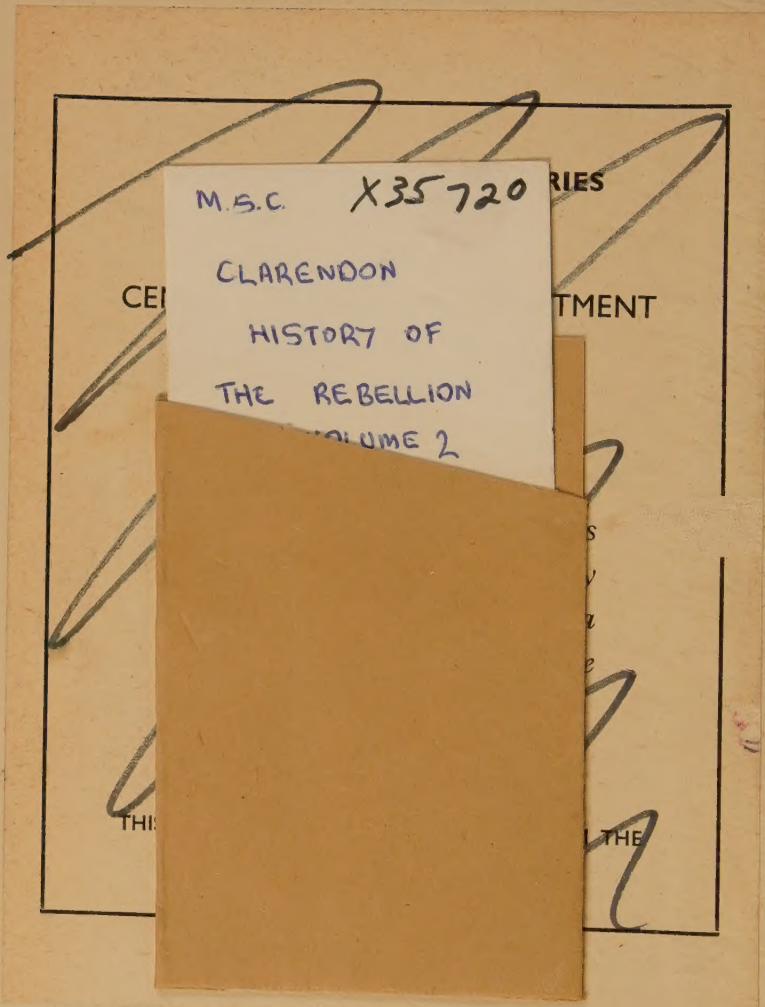
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HISTORY OF THE REBELLION AND CIVIL WARS IN ENGLAND.

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THE

HISTORY OF THE REBELLION

AND

CIVIL WARS IN ENGLAND

BEGUN IN THE YEAR 1641,

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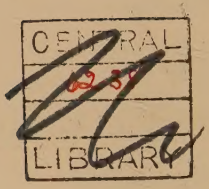

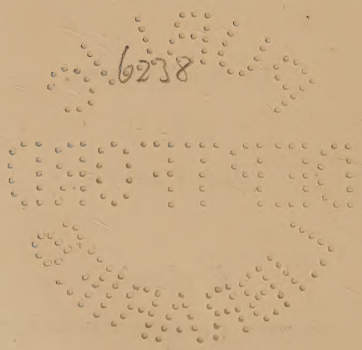

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A TRUE HISTORICAL NARRATION

OF THE

REBELLION AND CIVIL WARS IN ENGLAND.

BOOK V[1].

1[2]. As soon as the King came to York, which was about the end of the year 1641, and found his reception there to be equal to his expectation, the gentry and men of ability of that great and populous county, some very few excepted, expressing great alacrity for his majesty's being with them, and no less sense of the insolent proceedings of the Parliament, he[3] resolved to treat with the two Houses in another manner than he had done, and to let them clearly know that as he would deny them nothing that was fit for them to ask, so he would yield to nothing that was unreasonable for him to grant, and that he would have nothing extorted from him that he was not very well inclined to consent to. So, within few days after his coming thither, he sent a Declaration (which he caused to be printed, and, in the frontispiece, recommended to the consideration of all his loving subjects) to them, in answer to that presented to him at Newmarket some days before. He told them that 1642 March 19. March 9.

2. 'Though that Declaration presented to him at Newmarket from both

[1] [Called 'Lib. 4th' in the MS., p. 143, and dated 'Jersy, 5th October,' (1646).]

[2] [§§ 1–30 are from the *Hist.*, pp. 143–149.]

[3] ['whereupon he,' MS.]

1642 Houses of Parliament were of so strange a nature in respect of what he expected, (after so many acts of grace and favour to his people,) and some expressions in it so different from the usual language to princes, that he might well take a very long time to consider it, yet the clearness and uprightness of his conscience to God and love to his subjects had supplied him with a speedy answer, and his unalterable affection to his people prevailed with him to suppress that passion which might well enough become him upon such an invitation.' He said, 'he had considered his answer of the first of that month at Theobald's which was said to have given just cause of sorrow to his subjects: but,' he said, 'whoever looked over that message, (which was in effect to tell him that if he would not join with them in an act which he conceived might prove prejudicial and dangerous to him and the whole kingdom they would make a law without him and impose it upon his people,) would not think that sudden answer could be excepted to.' He said, 'he had little encouragement to replies of that nature, when he was told of how little value his words were like to be with them, though they came accompanied with all the actions of love and justice, (where there was room for actions to accompany them;) yet he could not but disavow the having any such evil counsel or counsellors about him, to his knowledge, as were mentioned by them; and if any such should be discovered he would leave them to the censure and judgment of his Parliament. In the mean time he could wish that his own immediate actions, which he did avow, and his own honour, might not be so roughly censured and wounded under that common style of evil counsellors. For his faithful and zealous affection to the true Protestant profession, and his resolution to concur with his Parliament in any possible course for the propagation of it and the suppression of Popery,' he said 'he could say no more than he had already expressed in his Declaration to all his loving subjects published in January last by the advice of his Privy Council; in which he endeavoured to make as lively a confession of himself in that point as he was able, being most assured that the constant practice of his life had been answerable thereunto: and therefore he did rather expect a testimony and acknowledgment of such his zeal and piety than those expressions he met with in that Declaration, of any design of altering religion in this kingdom. And,' he said, 'he did, out of the innocency of his soul, wish that the judgments of Heaven might be manifested upon those who have or had any such design.

3. 'As for the Scots' troubles,' he told them 'he had thought that those unhappy differences had been wrapped up in perpetual silence by the Act of Oblivion, which, being solemnly passed in the Parliaments of both kingdoms, stopped his own mouth from any other reply than to shew his great dislike for reviving the memory thereof.' He said, 'if the rebellion in Ireland, (so odious to all Christians,) seemed to have been framed and maintained in England, or to have any countenance from hence, he conjured both his Houses of Parliament and all his loving subjects whatsoever to use all possible means to discover and find such out, that he might join in the most exemplary vengeance upon them that could be imagined. But,' he told them, 'he must think himself highly and causelessly injured in his reputation, if any Declaration, action, or expression of the Irish rebels, any letter from the count Rosetti to the Papists for fasting and praying, or from Tris-

tram Whetcombe[1] of strange speeches uttered in Ireland, should beget any 1642
jealousy or misapprehension in his subjects of his justice, piety, and affection: it being evident to all understandings that those mischievous and wicked rebels are not so capable of great advantage as by having their false discourses so far believed as to raise fears and jealousies to the distraction of this kingdom, the only way to their security.' He said, 'he could not express a deeper sense of the sufferings of his poor Protestant subjects in that kingdom than he had done in his often messages to both Houses, by which he had offered, and was still ready, to venture his royal person for their redemption, well knowing that, as he was in his own interests more concerned in them, so he was to make a strict account to Almighty God for any neglect of his duty or their preservation.

4. 'For the manifold attempts to provoke his late army and the army of the Scots, and to raise a faction in the city of London and other parts of the kingdom, if it were said as relating to him, he could not without great indignation suffer himself to be reproached to have intended the least force or threatening to his Parliament, as the being privy to the bringing up of the army would imply. Whereas he called God to witness he never had any such thought, or knew of any such resolution concerning his late army. For the petition shewed to him by captain Legg,' he said 'he well remembered the same, and the occasion of that conference. Captain Legg being lately come out of the north and repairing to him at Whitehall, his majesty asked him of the state of his army; and, after some relation of it, he told his majesty that the commanders and officers of the army had a mind to petition the Parliament, as others of his people had done, and shewed him the copy of a petition; which he read, and finding it to be very humble, desiring the Parliament might receive no interruption in the reformation of the Church and State to the model of Queen Elizabeth's days, his majesty told him that he saw no harm in it; whereupon captain Legg replied that he believed all the officers of the army would like it, only he thought sir Jacob Ashly would be unwilling to sign it out of fear that it might displease him. His majesty then read the petition over again, and observing nothing in matter or form he conceived could possibly give just cause of offence, he delivered it to him again, bidding him give it to sir Jacob Ashly, for whose satisfaction he writ C. R. upon it, to testify his approbation; and he wished that the petition might be seen and published, and then he believed it would appear no dangerous one, nor a just ground for the least jealousy or misapprehension.

5. 'For Mr. Jermin,' he said, 'it was well known that he was gone from Whitehall before he received the desire of both Houses for the restraint of his servants, neither returned he thither, or passed over by any warrant granted by him after that time. For the breach of privilege in the accusation of the lord Kimbolton and the five members of the House of Commons,' he told them 'he thought he had given so ample satisfaction in his several messages to that purpose that it should have been no more pressed against him, being confident, if the breach of privilege had been greater than ever

[1] ['Whitcombe,' in the Declaration as printed by the King's printer, Rob. Barker.]

1642 had been before offered, his acknowledgment and retractation had been greater than ever king had given: besides the not examining how many of his privileges had been invaded in defence and vindication of the other. And therefore he hoped his true and earnest protestation in his answer to their order concerning the militia would so far have satisfied them of his intentions then, that they would no more have entertained any imagination of any other design than he there expressed. But why the listing so many officers and entertaining them at Whitehall should be misconstrued,' he said, 'he much marvelled, when it was notoriously known the tumults about Westminster were so great, and their demeanour so scandalous and seditious, that he had good cause to suppose his own person and those of his wife and children to be in apparent danger; and therefore he had great reason to appoint a guard about him, and to accept the dutiful tender of the services of any of his loving subjects, which was all he did to the gentlemen of the Inns of Court.

6. 'For the lord Digby, he assured them, in the word of a king, that he had his warrant to pass the seas and had left his Court before ever he heard of the vote of the House of Commons, or had any cause to imagine that his absence would have been excepted against. What their advertisements were from Rome, Venice, Paris, and other parts, or what the Pope's nuncio solicits the Kings of France and Spain to do, or from what persons such informations come to them, or how the credit and reputation of such persons had been sifted and examined,' he said, 'he knew not; but was confident no sober honest man in his kingdoms could believe that he was so desperate or so senseless to entertain such designs as would not only bury this his kingdom in sudden distraction and ruin but his own name and posterity in perpetual scorn and infamy. And therefore,' he said, 'he could have wished in matters of so high and tender a nature, wherewith the minds of his good subjects must needs be startled, all the expressions had been so plain and easy that nothing might stick with them that reflected upon his majesty, since they thought fit to publish it at all.

7. 'And having now dealt thus plainly and freely with them, by way of answer to the particular grounds of their fears,' he said, 'he hoped upon a due consideration and weighing of both together they would not find the grounds to be of that moment to beget, or longer to continue, a misunderstanding between them, or force them to apply themselves to the use of any other power than what the law had given them; the which he always intended should be the measure of his own power, and expected it should be the rule of his subjects' obedience.

8. 'Concerning his own fears and jealousies, as he had no intention of accusing them, so,' he said, 'he was sure no words spoken by him on the sudden at Theobald's would bear that interpretation. He had said, for his residence near them, he wished it might be so safe and honourable that he had no cause to absent himself from Whitehall; and how that could be a breach of privilege of Parliament he could not understand.' He said 'he had explained his meaning in his answer at Newmarket, at the presentation of that Declaration, concerning the printed seditious pamphlets and sermons and the great tumults at Westminster; and,' he said, 'he must appeal to them and all the world whether he might not justly suppose himself in danger of either. And if he were now at Whitehall,' he asked them 'what

security he had that the like should not be again? especially, if any delin- 1642
quents of that nature had been apprehended by the ministers of justice, and had been rescued by the people, and so as yet had escaped unpunished?' He told them 'if they had not yet been informed of the seditious words used in, and the circumstances of, those tumults, and would appoint some way for the examination of them, he would require some of his learned counsel to attend with such evidence as might satisfy them; and till that were done, or some other course should be taken for his security,' he said 'they could not with reason wonder that he intended not to be where he most desired to be.'

9. He asked them 'whether there could yet want evidence of his hearty and importunate desire to join with his Parliament and all his faithful subjects in defence of the religion and public good of the kingdom? Whether he had given them no other earnest but words to secure them of those desires?' He told them 'the very Remonstrance of the House of Commons (published in November last) of the state of the kingdom allowed him a more real testimony of his good affections than words; that Remonstrance valued his acts of grace and justice at so high a rate that it declared the kingdom to be then a gainer, though it had charged itself by bills of subsidies and poll-money with the levy of six hundred thousand pounds, besides the contracting a debt of two hundred and twenty thousand pounds more to his subjects of Scotland. He asked them 'whether the bills for the triennial parliament, for relinquishing his title of imposing upon merchandise and power of pressing of soldiers, for the taking away the Star-chamber and High Commission courts, for the regulating the Council-table, were but words? whether the bills for the forests, the stannary courts, the clerk of the market, and the taking away the votes of bishops out of the Lords' house, were but words? Lastly, what greater earnest of his trust and reliance on his Parliament he could give than the passing the bill for the continuance of this present Parliament? the length of which,' he said, 'he hoped would never alter the nature of parliaments and the constitution of this kingdom, or invite his subjects so much to abuse his confidence as to esteem any thing fit for this Parliament to do which were not fit if it were in his power to dissolve it to-morrow. And after all these and many other acts of grace on his part, that he might be sure of a perfect reconciliation between him and all his subjects, he had offered, and was still ready to grant, a free and general pardon, as ample as themselves should think fit. Now if those were not real expressions of the affections of his soul for the public good of his kingdom,' he said 'he must confess that he wanted skill to manifest them.

10. 'To conclude: (although he thought his answer already full to that point) concerning his return to London,' he told them 'that he was willing to declare that he looked upon it as a matter of so great weight, as with reference to the affairs of this kingdom and to his own inclinations and desires, that if all he could say or do could raise a mutual confidence, (the only way, with God's blessing, to make them all happy,) and, by their encouragement, the laws of the land and the government of the city of London might recover some life for his security, he would overtake their desires, and be as soon with them as they could wish. And, in the mean time, he would be sure that neither the business of Ireland, or any other advantage for this

1642 kingdom, should suffer through his default or by his absence; he being so far from repenting the acts of his justice and grace which he had already performed to his people, that,' he said, 'he should with the same alacrity be still ready to add such new ones as might best advance the peace, honour, and prosperity of this nation.'

11. They who now read this Declaration, and remember only the insolent and undutiful expressions in that Declaration to which this was an answer, and the more insolent and seditious actions which preceded, accompanied, and attended it, may think that the style was not answerable to the provocation, nor princely enough for such a contest; and may believe that if his majesty had then expressed himself with more indignation for what he had suffered, and more resolution that he would no more endure those sufferings, they who were not yet grown to the hardiness of avowing the contempt of the King (and most of them having designs to be great with and by him whom they provoked) would sooner have been checked, and recovered their loyalty and obedience. But they, again, who consider and remember that conjuncture of time, the incredible disadvantage his majesty suffered by the misunderstanding of his going to the House of Commons, and by the popular mistake of privilege of Parliament and consequently of the breach of those privileges; and, on the contrary, the great height and reputation the factious party had arrived to, the stratagems they used, and the infusions they made into the people of the King's disinclination to the laws of the land, and, especially, that he had consented to all those excellent laws made this Parliament (of which the people were possessed) very unwillingly, and meant to avoid them; that the Queen had an irreconcileable hatred to the religion professed and to the whole nation, and that her power was unquestionable; that there was a design to send the Prince beyond the seas, and to marry him to some Papist; above all, (which the principal of them with wonderful confidence in all places avowed to be true,) that the rebellion in Ireland was fomented, and countenanced at least, by the Queen, that good terms might be got for the Catholics in England: I say, whoever remembers this, and that, though it might be presumed that the exorbitancy of the Parliament might be very offensive

to some sober and discerning men, yet his majesty had no reason 1642
to presume of their eminent and vehement zeal on his behalf, since he saw all those (two or three only excepted) from whom he might challenge the duty and faith of servants *usque ad aras*, and for whose sake he had undergone many difficulties, either totally aliened from his service and engaged against him, or, like men in a trance, unapplicable to it; he will conclude that it concerned his majesty by all gentleness and condescension to undeceive and recover men to their sobriety and understanding before he could hope to make them apprehensive of their own duty or the reverence that was due to him; and therefore, that he was to descend to all possible arts and means to that purpose, it being very evident that men would no sooner discern his princely justice and clemency than they must be sensible of the indignities which were offered to him, and incensed against those who were the authors of them.

12. And the truth is, (which I speak knowingly,) at that time the King's resolution was to shelter himself wholly under the law, to grant any thing that by the law he was obliged to grant, and to deny what by the law was in his own power and which he found inconvenient to consent to, and to oppose and punish any extravagant attempt by the force and power of the law; presuming that the King and the law together would have been strong enough for any encounter that could happen; and that the law was so sensible a thing that the people would easily perceive who endeavoured to preserve and who to suppress it, and dispose themselves accordingly.

13. The day before this answer of his majesty came to them, March 22.
though they knew they should speedily receive it, lest somewhat in it might answer, and so prevent, some other scandals they had a mind to lay to his majesty's charge, they sent a petition to him, in the name of the Lords and Commons, upon occasion of the short cursory speech he made to their committee, (which is before mentioned,) at the delivery of their Declaration at Newmarket; in which they told him that

14. 'The Lords and Commons in Parliament could not conceive that that Declaration which he received from them at Newmarket was such as did

1642 deserve that censure his majesty was pleased to lay upon them, in that speech which his majesty made to their committee; their address therein, being accompanied with plainness, humility, and faithfulness, they thought more proper for the removing the distraction of the kingdom than if they had then proceeded according to his message of the 20th of January, by which he was pleased to desire that they would declare what they intended to do for his majesty, and what they expected to be done for themselves; in both which' they said, 'they had been very much hindered by his majesty's denial to secure them, and the whole kingdom, by disposing the militia as they had divers times most humbly petitioned. And yet,' they said, 'they had not been altogether negligent of either, having lately made good proceedings in preparing a book of rates, to be passed in a bill of tunnage and poundage, and likewise the most material heads of those humble desires which they intended to make to his majesty for the good and contentment of his majesty and his people; but none of these could be perfected before the kingdom be put in safety by settling the militia. And until his majesty should be pleased to concur with his Parliament in those necessary things, they held it impossible for his majesty to give the world or his people such satisfaction concerning the fears and jealousies which they had expressed, as they hoped his majesty had already received touching that exception which he was pleased to take to Mr. Pimm's speech. As for his majesty's fears and doubts, the ground whereof was from seditious pamphlets and sermons,' they said, 'they should be as careful to endeavour the removal, as soon as they should understand what pamphlets and sermons were by his majesty intended, as they had been to prevent all dangerous tumults. And if any extraordinary concourse of people out of the city to Westminster had the face and show of tumult and danger in his majesty's apprehension, it would appear to be caused by his majesty's denial of such a guard to his Parliament as they might have cause to confide in, and by taking into Whitehall such a guard for himself as gave just cause of jealousy to the Parliament and of terror and offence to his people.' They told him, 'they sought nothing but his majesty's honour and the peace and prosperity of his kingdoms; and that they were heartily sorry they had such plentiful matter of an answer to that question, Whether his majesty had violated their laws? They besought his majesty to remember that the government of this kingdom, as it was in a great part managed by his ministers before the beginning of this Parliament, consisted of many continued and multiplied acts of violation of laws; the wounds whereof were scarcely healed when the extremity of all those violations was far exceeded by the late strange and unheard of breach of their laws in the accusation of the lord Kimbolton and the five members of the Commons' House, and in the proceedings thereupon; for which they had yet received no full satisfaction.

15. 'To his majesty's next question, Whether he had denied any bill for the ease and security of his subjects? they wished they could stop in the midst of their answer, that with much thankfulness they acknowledged that his majesty had passed many good bills full of contentment and advantage to his people: but truth and necessity enforced them to add this, that even in or about the time of passing those bills some design or other had been on foot, which, if it had taken effect, would not only have deprived them of the

fruit of those bills, but have reduced them to a worse condition of confusion 1642
than that wherein the Parliament found them.

16. 'And if his majesty had asked them the third question intimated in that speech, What they had done for him?' they told him, 'their answer would have been much more easy: that they had paid two armies with which the kingdom was burdened the last year, and had undergone the charge of the war in Ireland at this time, when, through many other excessive charges and pressures, his subjects[1] had been exhausted, and the stock of the kingdom very much diminished; which great mischieves, and the charges thereupon ensuing, had been occasioned by the evil counsels so powerful with his majesty, and would cost this kingdom more than two millions; all which, in justice, ought to have been borne by his majesty.

17. 'As for that free and general pardon his majesty had been pleased to offer,' they said, 'it could be no security to their fears and jealousies, for which his majesty seemed to propound it; because they arose not from any guilt of their own actions, but from the evil designs and attempts of others.

18. 'To that their humble answer to that speech, they desired to add an information which they lately received from the deputy governor of the Merchant Adventurers at Rotterdam in Holland, that an unknown person, appertaining to the lord Digby, did lately solicit one James Henly, a mariner, to go to Elsinore, and to take charge of a ship in the fleet of the king of Denmark, there prepared, which he should conduct to Hull; in which fleet likewise, he said, a great army was to be transported. And although they were not apt to give credit to informations of that nature, yet they could not altogether think it fit to be neglected, but that it might justly add somewhat to the weight of their fears and jealousies, considering with what circumstances it was accompanied, with the lord Digby's precedent expressions in his letter to her majesty and sir Lewis Dives, and his majesty's succeeding course of withdrawing himself northward from his parliament, in a manner very suitable and correspondent to that evil counsel; which they doubted would make much deeper impression in the generality of his people. And therefore they most humbly advised and besought his majesty, for the procuring and settling the confidence of his Parliament and all his subjects, and for the other important reasons, concerning the recovery of Ireland and securing this kingdom, which had been formerly presented to him, he would be graciously pleased with all convenient speed to return to those parts, and to close with the counsel and desire of his Parliament; where he should find their dutiful affections and endeavours ready to attend his majesty with such entertainment, as should not only give him just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance his majesty's service, honour, and contentment, and to establish it upon the sure foundation of the peace and prosperity of all his kingdoms.'

19. This, which they called a petition, being presented to the King, his majesty immediately returned by the same messengers his answer, in these words: March 26.

[1] ['whereby his subjects,' MS.]

1642 20. 'If you would have had the patience to have expected our answer to your last Declaration, (which, considering the nature of it, hath not been long in coming,) we believe you would have saved yourselves the labour of saying much of this message. And we could wish that our privileges on all parts were so stated, that this way of correspondency might be preserved with that freedom which hath been used of old. For we must tell you, that if you may ask any thing of us by message or petition, and in what language (how unusual soever) you think fit, and we must neither deny the thing you ask, nor give a reason why we cannot grant it, without being taxed of breaking your privileges, or being counselled by those who are enemies to the peace of the kingdom and favourers of the Irish rebellion, (for we have seen your printed votes upon our message from Huntingdon,) you will reduce all our answers hereafter into a very little room; in plain English, it is to take away the freedom of our vote; which were we but a subject were high injustice; but being your king, we leave all the world to judge what it is.

21. 'Is this the way to compose all misunderstandings? we thought we shewed you one, by our message of the 20th of January; if you have a better or readier, we shall willingly hearken to it, for hitherto you have shewed us none. But why the refusal to consent to your order, which you call a denial of the militia, should be any interruption to it, we cannot understand. For the militia, (which we always thought necessary to be settled,) we never denied the thing, (as we told you in our answer of the 28th of January to the petition of the House of Commons;) for we accepted the persons, (except for corporations); we only denied the way. You ask it by way of ordinance, and with such a preface as we can neither with justice to our honour or innocency consent to. You exclude us [from [1]] any power in the disposition or execution of it together with you, and for a time utterly unlimited. We tell you, we would have the thing done; allow the persons, (with that exception); desire a bill, (the only old way of imposing on our subjects): we are extremely unsatisfied what an ordinance is, but well satisfied that without our consent it is nothing, not binding. And it is evident by the long time spent in this argument, the necessity and danger was not so imminent but a bill might have been prepared; which if it shall yet be done with that due regard to us and care of our people, in the limitation of the power and other circumstances, we shall recede from nothing we formerly expressed in that answer to your order; otherwise, we must declare to all the world that we are not satisfied with, or shall ever allow our subjects to be bound by, your printed votes of the 15th or 16th of this month; or that, under pretence of declaring what the law of the land is, you shall without us make a new law, which is plainly the case of the militia. And what is this but to introduce an arbitrary way of government?

22. 'Concerning Pimm's speech, you will have found by what the lord Compton and Mr. Baynton brought from us in answer to that message they brought to us, [that [2],] as yet, we rest nothing satisfied in that particular.

23. 'As for the seditious pamphlets and sermons, we are both sorry and ashamed, in so great a variety, and in which our rights, honour, and authority are so insolently slighted and vilified, and in which the dignity and

[1] ['for,' MS.]

[2] ['and,' MS.]

freedom of Parliament is so much invaded and violated, it should be asked 1642
of us to name any. The mentioning of *The Protestation Protested, The Apprentices' Protestation, To your tents, O Israel,* or any other, would be too great an excuse for the rest: if you think them not worth your inquiry, we have done. But we think it most strange to be told, that our denial [of[1]] a guard (which we yet never denied, but granted in another manner, and under a command at that time most accustomed in the kingdom), or the denial of any thing else, (which is in our power legally to deny,) which in our understanding, (of which God hath surely given us some use,) is not fit to be granted, should be any excuse for so dangerous [a] concourse of people; which, not only in our apprehension, but (we believe) in the interpretation of [the] law itself, hath been always held most tumultuous and seditious. And we [most[2]] wonder, what, and whence come, the instructions and informations that those people have, who can so easily think themselves obliged by the Protestation to assemble in such a manner for the defence of privileges which cannot be so clearly known to any of them, and so negligently pass over the consideration and defence of our rights, so beneficial and necessary for themselves and scarce unknown to any of them, which by their oaths of allegiance and supremacy, and even by the same Protestation, they are at least equally obliged to defend. And what interruptions such kind of assemblies may be to the freedom of future parliaments, (if not seasonably discountenanced and suppressed,) we must advise you to consider; as likewise, whether both our rights and powers may not by such means be usurped by hands not trusted by the constitution of this kingdom. For our guard, we refer you to our answer to your Declaration.

24. 'By that question of violating your laws, by which we endeavoured to express our care and resolution to observe them, we did not expect you would have been invited to have looked back so many years, for which you have had so ample reparation: neither looked we to have been reproached with the actions of our ministers then against the laws, whilst we express so great a zeal for the present defence of them; it being our resolution, upon observation of the mischief which then grew by arbitrary power, (though made plausible to us by the suggestions of necessity and imminent danger; and take you heed, you fall not into the same error upon the same suggestions,) hereafter to keep the rule ourself, and to our power require the same from all others. But above all, we must be most sensible of what you cast upon us for requital of those good bills you cannot deny. We have denied any such design; and as God Almighty must judge in that point between us, who knows our upright intentions at the passing those laws, so in the mean time we defy the Devil to prove that there was any design (with our knowledge or privity) in or about the time of passing those bills, that, had it taken effect, could have deprived our subjects of the fruit of them. And therefore we demand full reparation in this point, that we may be cleared in the sight of all the world, and chiefly in the eyes of our loving subjects, from so notorious and false an imputation as this is.

25. 'We are far from denying what you have done; for we acknowledge the charge our people have sustained in keeping the two armies, and in re-

[1] ['to,' MS.]

[2] ['must,' MS.]

1642 lieving Ireland; of which we are so sensible, that, in regard of those great burdens our people have undergone, we have and do patiently suffer those extreme personal wants as our predecessors have been seldom put to, rather than we would press upon them; which we hope, in time, will be considered on your parts.

26. 'In our offer of a general pardon, our intent was to compose and secure the general condition of our subjects, conceiving that in these times of great distractions the good laws of the land have not been enough observed: but it is a strange world when princes' proffered favours are counted reproaches: yet if you like not this our offer, we have done.

27. 'Concerning any discourses of foreign forces, though we have given you a full answer in ours to your last declaration, yet we must tell you, we have neither so ill an opinion of our own merit or the affections of our good subjects as to think ourselves in need of any foreign force to preserve us from oppression, (and we shall not need for any other purpose,) but are confident, through God's providence, not to want the good wishes and assistance of the whole kingdom, being resolved to build upon that sure foundation, the law of the land. And we take it very ill that any general discourses between an unknown person and a mariner, or inferences upon letters, should be able to prevail in matters so improbable in themselves and scandalous to us; for which we cannot but likewise ask reparation, not only for the vindicating of our own honour, but also thereby to settle the minds of our subjects, whose fears and jealousies would soon vanish were they not fed and maintained by such false and malicious rumours as these.

28. 'For our return to our Parliament, we have given you a full answer in ours to your Declaration; and you ought to look on us as not gone, but driven (we say not by you, yet) from you. And if it be not so easy for you to make our residence in London so safe as we could desire, we are, and will be, contented that our Parliament be adjourned to such a place where we may be fitly and safely with you. For though we are not pleased to be at this distance, yet ye are not to expect our presence until ye shall both secure us concerning our just apprehensions of tumultuary insolences, and likewise give us satisfaction for those insupportable and insolent scandals that are raised upon us.

29. 'To conclude: as we have or shall not refuse any way agreeable to justice or honour which shall be offered to us for the begetting a right understanding between us, so we are resolved that no straits or necessities to which we may be driven shall ever compel us to do that which the reason and understanding that God hath given us, and our honour and interest with which God hath trusted us for the good of our posterity and kingdoms, shall render unpleasant and grievous to us. And we assure you, that (how meanly soever you are pleased to value the discharge of our public duty,) we are so conscious to ourself of having done our part since this Parliament, that, in whatsoever condition we now stand, we are confident of the continued protection from Almighty God, and the constant gratitude, obedience, and affection from our people. And we shall trust God with all.'

30. These quick answers from the King gave them very much trouble, and made it evident to them that he would be

no more swaggered into concessions that he thought unreason- 1642
able, or persuaded to them upon general promises or an implicit confidence in their future modesty; but that he demanded reparation for the breach of his privileges, and so fought with them with their own weapons, troubled them much more; apprehending that in a short time the people might be persuaded to believe that the King was in the right, and had not been well dealt with; and though some few, who thought themselves too far engaged to retire, were glad of the sharpness of these paper skirmishes, which they believed made the wound still wider and more incurable, yet the major part, which had been induced to join with them out of confidence that the King would yield, and that their boldness and importunity in asking would prevail with his majesty to consent, wished themselves fairly unentangled. And I have heard many of the fiercest concurrers, and who have ever since kept them company, at that time profess that if any expedient might be found to reconcile the present difference about the militia, they would no more adventure upon demands of the like nature: and the earl of Essex himself was startled, and confessed to his friends that he desired a more moderate proceeding should be in Parliament, and that the King, who had given so much, should receive some satisfaction. But those of the Court who thought their faults to their master most unpardonable, could not endure that he, being the youngest courtier, should be the eldest convert; and therefore, by repeating what the King and Queen had said of him heretofore, and by fresh intelligence, which they procured from York, of what the King then thought of him, they persuaded him that his condition was too desperate to recede: and all men were persuaded that this severe deportment of the King proceeded from the spirit of some new evil counsellors, who would be as soon destroyed as discovered; and that then they would so carry themselves, that the King should owe his greatness and his glory (for they still said he should excel all his predecessors in both) to their formed counsels and activity, and not to the whispers of those who thought to do his business without them. And I am persuaded that even then, (and I was

1642 at that time no stranger to the persons of most that governed, and a diligent observer of their carriage,) they had rather a design of making themselves powerful with the King and great at Court, than of lessening the power of the one or reforming the discipline of the other: but no doubt there were some few in the number that looked farther, yet, by pretending that, kept up the mettle of writing, and inclined them for their honour to new declarations.

31[1]. When the King came to York, he found himself at ease; the country had received him with great expressions of joy and duty, and all persons of quality of that great county and of the counties adjacent resorted to him, and many persons of condition from London and those parts, who had not the courage to attend upon him at Whitehall; so that the Court appeared with some lustre. And now he began to think of executing some of those resolutions which he had made with the Queen before her departure; one of which was, and to be first done, the removing the earls of Essex and Holland from their offices in the Court, the one of chamberlain, the other of groom of the stole, which hath the reputation and benefit of being first gentleman of the bedchamber. Indeed no man could speak in the justification of either of them, yet no man thought them both equally culpable. The earl of Holland was a person merely of the King's creation; raised from the condition of a private gentleman, a younger brother of an extraction that lay under a great blemish, and without any fortune, to a great height by the King's mere favour and bounty. And he had not only adorned him with titles, honours, and offices, but enabled him to support those in the highest lustre and with the largest expense: and had drawn many inconveniences and great disadvantages upon himself and his service by his preferring him to some trusts, which others did not only think themselves but really were worthier of; but especially by indulging him so far in the rigorous execution of his office of Chief Justice in Eyre, in which he brought more prejudice upon the Court, and more discontent upon the King, from the most considerable part of the nobility and gentry in

[1] [§§ 31–35 are from the *Life*, pp. 158-9.]

England, than any one action that had its rise from the King's will and pleasure, though it was not without some warrant from law; which, having not been practised in some hundreds of years, was looked upon as a terrible innovation and exaction upon persons who knew not that they were in any fault, nor was any imputed to them but the original sin of their forefathers, even for which they were obliged to pay great penalties and ransoms. That such a servant should suffer his zeal to lessen and decay towards such a master, and that he should keep a title to lodge in his bedchamber from whose Court he had upon the matter withdrawn himself, and adhered to and assisted those who affronted and contemned his majesty so notoriously, would admit of no manner of interposition and excuse. 1642

32. Less was to be objected against the earl of Essex, who, as he had been all his life without obligations from the Court, and believed he had undergone oppression there, so he was in all respects the same man he had always professed himself to be when the King put him into that office, and in receiving of which many men believed that he rather gratified the King than that his majesty had obliged him in conferring it; and it had been, no doubt, the chief reason of putting the staff in his hand, because in that conjuncture no other man who would in any degree have appeared worthy of it had the courage to receive it. However, having taken the charge upon him, he ought no doubt to have taken all his master's concernments more to heart than he had done; and he can never be excused for staying in Whitehall when the King was with that outrage driven from thence, and choosing to behold the triumph of the members' return to Westminster rather than to attend his majesty's person in so great perplexity to Hampton Court, which had been his duty to have done, and for failing wherein no other excuse can be made but that, after he had taken so full a resolution to have waited upon his majesty thither that he had dressed himself in his travelling habit, he was diverted from it by the earl of Holland, who ought to have accompanied him in the service, and by his averment that, 'if he went he should be assassinated;' which was never thought of.

1642 33. Notwithstanding all this, the persons trusted by his majesty, and remaining at London, had no sooner notice of it, (which his majesty sent to them that he might be advised the best way of doing it,) but they did all they could to dissuade the pursuing it. They did not think it a good conjuncture to make those two desperate; and they knew that they were not of the temper and inclinations of those who had too much credit with them, nor did desire to drive things to the utmost extremities, which could never better their conditions, and that they did both rather desire to find any expedients by which they might make a safe and an honourable retreat than to advance in the way they were engaged. But the argument they chiefly insisted on to the King was, 'that being deprived of their offices they would be able to do more mischieve, and [be] ready to embark themselves with the most desperate persons in the most desperate attempts;' which fell out accordingly. And there is great reason to believe that if that resolution the King had taken had not been too obstinately pursued at that time, many of the mischieves which afterwards fell out would have been prevented; and without doubt, if the staff had remained still in the hands of the earl of Essex, by which he was charged with the defence and security of the King's person, he would never have been prevailed with to have taken upon him the command of that army which was afterwards raised against the King's, and with which so many battles were fought. And there can be as little doubt, in any man who knew well the nature and temper of that time, that it had been utterly impossible for the two Houses of Parliament to have raised an army then if the earl of Essex had not consented to be general of that army.

34. But the King was inexorable in the point; he was obliged by promise to the Queen at parting, which he would not break; and her majesty had contracted so great an indignation against the earl of Holland, whose ingratitude towards her was very odious, that she had said 'she would never live in the Court if he kept his place.' And so the King sent an order to Littleton, then Lord Keeper of the Great Seal, 'that he should

require the staff and the key from the one and the other, and 1642
receive them into his custody[1].' The Keeper trembled at the office, and had not courage to undertake it. He went presently to the lord Falkland, [and] desired him to assist him in making his excuse to the King. He made many professions of his duty to the King, 'who, he hoped, would not command him in an affair so unsuitable to the office he held under him; that no Keeper had ever been employed in such a service; that if he should execute the order he had received, it would in the first place be voted a breach of privilege in him, being a peer, and the House would commit him to prison, by which the King would receive the greatest affront, though he should be ruined; whereas the thing itself might be done by a more proper officer without any inconvenience.'

35. How weak soever the reasons were, the passion was strong; and the lord Falkland could not refuse to convey his letter to the King, which contained his answer in his own words, with all the imaginable profession of duty and zeal for his service. How ill soever his majesty was satisfied, he saw the business would not be done that way; and therefore he writ immediately a letter, all in his own hand, to the lord April 9.
Falkland, in which, with some gracious expressions of excuse for putting that work upon him, he commanded him to require the surrender of the ensigns of their offices from those two earls. The lord Falkland was a little troubled in receiving the command: they were persons from whom he had always received great civilities, and with whom he had much credit; and this harsh office might have been more naturally and as effectually performed by a gentleman usher, as the same staff had been demanded before from the earl [of] Pembroke within less than a year. However, he would make no excuse, being a very punctual and exact person in the performance of his duty, and so went to both of them, and met them coming to the House, and imparted his message to them: they desired him, very

[1] [Holland had been summoned to York previously, as he informed the House of Lords on March 21, and Essex had been summoned by letter of March 23.]

1642 civilly, that 'he would give them leave to confer a little together, and they would within half an hour send for him into the House of Commons:' whither he went, and they, within less time, sent to him to meet them in sir Thomas Cotton's garden, (a place adjacent, where the members of both Houses used frequently to walk,) and there, with very few words, they delivered the staff and the key into his hands, who immediately carried them to his lodging; and they went up to the House of
April 12. Peers. And immediately both Houses took notice of it, and with passion, and bitter expressions against the evil counsellors who had given his majesty that counsel, they concurred in a vote 'that whosoever presumed to accept of either of those offices should be reputed an enemy to his country;' and then they proceeded with more impetuosity in the business of the militia and all other matters which most trenched upon the King's authority [1].

36 [2]. Whilst they were so eager in pursuit of the militia, and pretended the necessity so imminent that they could not defer the disposition thereof till it might be formally and regularly settled by bill, they had their eye upon another militia, the royal navy; without recovering of which to their own power, (though they were satisfied by the pulse of the people that they would join with them, and be generally obedient to their commands,) they had no mind to venture upon the execution of their land ordinance. And therefore in the beginning of the spring, when the fleet for that year was provided, after they excepted against such persons to be captains of ships as they thought not devoted to them, (as is before mentioned [3],)
March 15. they sent a formal message to the Lords, 'that the earl of Northumberland, Lord Admiral, might be moved to constitute the earl of Warwick his admiral of the fleet for that year's service, being a person of such honour and experience as they might safely confide in him, and that the earl of Warwick might be desired to undertake that service.' The Lords thought fit that the King's approbation might be first desired before it was recommended to the earl of Northumberland; but the

[1] [For a parallel narration with that contained in §§ 31–35, see note to § 116.]
[2] [§§ 36–87 are from the *Hist.*, pp. 150–161.] [3] [Book IV, § 345.]

Commons thought that superfluous, since it was absolutely in 1642
the earl's disposal to dispose of the officers of the fleet, and therefore refused to send to the King, but of themselves sent to both the one earl and the other; and the earl of Warwick, being well pleased with the trust, very frankly, without waiting the King's consent, declared that he was ready to undertake the employment. But this being so publicly agitated, the King could not but take notice of it; and finding that the business should not be proposed to him, thought it necessary to signify his pleasure in it, that so at least the Lord Admiral might not pretend innocence if ought should be done to his disservice; and therefore he appointed Mr. Secretary Nicholas to write to the earl of Northumberland, 'that his majesty expected that sir John Pennington should command that fleet, as he had done two or three years before.' This letter being communicated to both March 24.
Houses, and the Lord Admiral being thereby upon the disadvantage of a single contest with the King, the House of Commons, rather out of kindness and respect to the earl than of duty to the King, condescended to join with the Lords in a March 28.
message to the King; which they sent not by members of their own, but directed the Lord Keeper to inclose it in a letter to the secretary attending the King, and to send the same to York; which he did accordingly. The message was,

37. 'That the Lords and Commons in this present Parliament assembled, having found it necessary to provide and set to sea a strong and powerful navy for the defence of this kingdom against foreign force and for the security of his majesty's other dominions, the charge whereof was to be borne by the commonwealth, and taking notice of the indisposition of the Lord Admiral, which disabled him at that time for commanding the fleet in his own person, did thereupon recommend unto his lordship the earl of Warwick, a person of such quality and abilities as in whom they might best confide, to supply his lordship's room for this employment: and understanding that his majesty hath since signified his pleasure concerning that command, for sir John Pennington,' they said 'they did hold it their duty to represent to his majesty the great danger and mischieve the commonwealth was like to sustain by such interruption; and therefore did humbly beseech his majesty that the noble person recommended by both Houses of Parliament for this service might no longer be detained from it, out of any particular respect to any other person whatsoever.'

38. The same day that this message came to his majesty, he March 31.

1642 despatched an answer to the Lord Keeper; in which he told him that

> 'He wondered both at the form and matter of that inclosed paper he had sent to him in the name of both Houses of Parliament, it being neither by the way of petition, declaration, or letter; and for the matter, he believed it was the first time that the Houses of Parliament had taken upon them the nomination or recommendation of the chief sea-commander: but it added to the wonder, that, sir John Pennington being already appointed by him for that service, upon the recommendation of his Admiral, and no fault so much as alleged against him, another should be recommended to him. Therefore,' he said, 'his resolution upon that point was, that he would not alter him whom he had already appointed to command that year's fleet, whose every way's sufficiency was so universally known, the which he was confident his Admiral, (if there should be occasion,) would make most evident; against whose testimony he supposed his Parliament would not except. And though there were yet none appointed, or the said sir John (through some accident,) not able to perform the service, yet,' he said, 'the men of that profession were so well known to him, besides many other reasons, that (his Admiral excepted, because of his place) recommendations of that kind would not be acceptable to him.'

39. This answer was no other than they expected, though they seemed troubled at it and pretended that they had many things of misdemeanour to object against sir John Pennington, at least such matters as would render him incapable of that trust; the greatest of which was that he had conveyed the lord Digby over sea, though they well knew (as is before mentioned) that he had the King's warrant and command for that purpose; and
March 19. therefore moved the Lords that he might be sent for to be examined upon many particulars: and, in the mean time, whilst
Apr. 2, 9. they caused him to attend their leisure to be examined, they proceeded in hastening the earl of Warwick to make himself ready for the service, who made no scruple of undertaking it;
April 4. and the earl of Northumberland receiving the order and desire of both Houses to grant his commission to him to be admiral of that fleet, thought himself sufficiently excused towards the King, and did it accordingly; the two Houses in the mean time, without any further thought of procuring the King's consent, preparing reasons to satisfy his majesty for the necessity or conveniency of their proceeding.

40. Many men, especially they who at a distance observed and discerned the difficulties the King was like to encounter,

wondered that upon so apparent a breach of trust and act of undutifulness his majesty did not at that time revoke the Lord Admiral's commission, which was but during pleasure, and so put that sure guard of the kingdom, his navy, under such a command as he might depend upon. But the truth is, it was not then counsellable; for (besides that it was easier to resolve that it was fit to remove the earl of Northumberland than to find a man competent for the place) that way it might have been possible to have prevented the going out of any fleet to sea, which would have confirmed the frantic jealousies of bringing in foreign forces, [but] not to have reduced it to his own obedience. 1642

41. They had by degrees so ordered the collection of tunnage and poundage, by passing bills for six weeks and two months at a time, and putting those who should receive or pay those duties otherwise than they were granted by those bills into a *præmunire*, and so terrified the old customers, that the King had no other means of setting out his fleet than by the monies arising by the customs, which they absolutely disposed of; and at this time had contracted with the victualler, made the ships ready, and hired many merchants' ships to join in that fleet for the guard of the seas. And whilst this matter of the admiral was in suspense, they suffered the former bill of tunnage and poundage to expire, and did not till the very night before pass a new bill; which could not have the royal assent till many days after, the King being then at York. Yet the House of Commons, to salve all danger of the *præmunire*, on the 24th of March, being the very day that the former bill expired, sent an order to all the collectors of the customs, (many of which could not receive it in ten days after,) March 21. March 24.

42. 'That the new bill being passed by both House for the continuance of those payments until the 3rd day of May, (which could not yet receive the royal assent, in regard of the remoteness of his majesty's person from the Parliament,) which monies to be collected by that bill were to be employed for the necessary guarding of the seas and defence of the commonwealth: it was therefore ordered by the Commons in Parliament, that the several officers belonging to the custom-house, both in the port in London and the out-ports, should not permit any merchant or other to lade or unlade any goods or merchandises before such persons do first make due entries

1642 thereof in the custom-house. And it was declared also by the said Commons, that such officers, upon the respective entry made by any merchant as aforesaid, should intimate to such merchant that it was the advice of the Commons, for the better ease of the said merchants, and in regard the respective duties would relate and become due as from that day, that the said merchants upon entry of their goods, as usually they did when a law was in force to that purpose, would deposit so much money as the several customs would amount unto in the hands of such officers, to be by them accounted to his majesty as the respective customs due by the said bill, when the said bill should have the royal assent; or otherwise, his majesty refusing the passing thereof, the said monies to be restored, upon demand, unto the several merchants respectively.'

43. By which order, which was a more absolute dispensation for a *præmunire* than ever any *non obstante* granted by the Crown, the customs were as frankly and fully paid as if an Act of Parliament had been passed to that purpose; and as soon as the commission could be sent and returned from York the
March 29. Act was passed. But no doubt they had a farther design in suffering the bill totally to expire before they prepared a new [one] than at that time was apprehended; and intended, under such a popular necessity, which seemed to be occasioned by the King's absence, to bring their own orders in such reputation, that in another necessity which they should declare, they might by the precedent of this, which was the only indemnity all those merchants who paid, and the officers who received, customs had for the preservation of their estates, be currently and absolutely obeyed and submitted to.

44. By this it appears the King could not at that time, with conveniency or safety to his affairs, displace the earl of Northumberland, and he believed, if his occasions should hereafter require it, that the time would be much more seasonable when the fleet was at sea and the thing itself more practicable: which was a true conclusion. However, he expressed so much dislike against the earl of Warwick's commanding that fleet, that he was not willing that any officers whom he valued should take employment under him; which he had shortly after cause to repent. For, by this means, the vice-admiralty, which was designed to captain Cartwright, the controller of the navy, who hath since sufficiently testified how advantageously

to his majesty he would have managed that charge, upon his refusal (which was occasioned by intimation from his majesty, as shall be hereafter mentioned) was conferred upon Batten, an obscure fellow, and, (though a good seaman,) unknown to the navy till he was, two or three years before, for money made surveyor, who executed it ever since with great animosity against the King's service; of which more hereafter. 1642 1638 Sept.

45. Being by this means secure at sea, they proceeded with more vigour at land; and, though they thought it not yet seasonable to execute their ordinance for the militia with any form and pomp, they directed underhand their agents and emissaries that the people, of themselves, should choose captains and officers, and train under the name of *Volunteers*; which began to be practised in many places of the kingdom, but only in those corporations and by those inferior people who were notorious for faction and schism in religion. The King's Declarations, which were now carefully published, gave them some trouble, and made great impression in sober men who were moved with the reason, and in rich men who were startled at the commands, in them. But that clause in the King's answer to their Declaration presented to him at Newmarket, in which he told them that 'if they had not been informed of the seditious words used in, and the circumstances of, the tumults, and would appoint some way for the examination of them, that he would require some of his learned counsel to attend with such evidence as might satisfy them,' troubled them much more. For if there were still so much courage left in the King's counsel that they durst appear to inform against any of those proceedings which they favoured, they should find men grow more afraid of the law than of them; which would destroy all their designs. Therefore they resolved to proceed with all expedition and severity against the Attorney General for his trespass and presumption upon their privileges in the accusation of the five members and the lord Kimbolton: of the circumstances of which proceeding and judgment thereupon, being as extraordinary and as distant from the rules of justice, at least of practice,

1642 as any thing that then happened, it will not be amiss to set down two or three particulars.

46. Shortly after they had impeached him, (which is mentioned before,) and the King had found it necessary to give over any prosecution against them, his majesty being desirous, now he had freed them, that they should free his Attorney,
March 4. writ a letter from Royston, when he was in his way to York, to the Lord Keeper; in which he told him that 'the articles which had been preferred against the members [were[1]] by himself delivered to his Attorney General, engrossed in paper; and that he had then commanded him to accuse those persons, upon those articles, of high treason and other misdemeanours, and, in his name, to desire a committee of lords might be appointed to take the examinations of such witnesses as should be produced, as formerly had been done in cases of like nature, according to the justice of the House.' And his majesty did further declare that 'his said Attorney did not advise or contrive the said articles, nor had any thing to do with, or in advising, any breach of privilege that followed after. And for what he did in obedience to his commands, he conceived he was bound by oath and the duty of his place, and by the trust reposed in him by his majesty, so to do: and that, if he had refused to obey his majesty therein, his majesty would have questioned him for breach of oath, duty, and trust. But now having declared that he found cause wholly to desist from proceeding against the persons accused, he had commanded him to proceed no further therein, nor to produce nor to discover any proof concerning the same.'

47. Though this testimony of his majesty clearly absolved him from the guilt with which he was charged, yet it rather hastened the trial, and sharpened the edge that was before
March 8. keen enough against him. And the day of trial being come, when the members of the Commons who were appointed for the prosecution found that counsel was ready (which had been assigned by the Lords) for the defence of the Attorney General, they professed that they would admit no counsel; 'that it was

[1] ['was,' MS.]

below the dignity of the House of Commons to plead against fee'd counsel; that whoever presumed to be of counsel with a person accused by the Commons of England should be taught better to know his duty, and should have cause to repent it.' The Lords seemed much moved with this reproach, that their acts of judicature should be questioned, and the counsel which had been justly and regularly assigned by them should be threatened for submitting to their order. But that which troubled them most, was, that the counsel which was assigned by them, upon this reprehension and threat of the Commons, positively refused to meddle further in the business or to make any defence for the Attorney. Hereupon they put off the trial, and commit to the Tower of London sir Thomas Bedingfield and sir Thomas Gardiner, for their contempt in refusing to be of counsel with the Attorney upon their assignment: standers by looking upon the justice of Parliament with less reverence to see the subject, between the contradictory and opposite commands of both Houses, (the displeasure of either being insupportable,) punished and imprisoned for not doing by one [what[1]] he was straitly inhibited by the other not to do. 1642 March 9.

48. However, this difference gave only respite for some days to the Attorney, who was quickly again called before his judges. To what was passionately and unreasonably objected against him of breach of privilege and scandal, he confidently alleged 'the duty of his place; that his master's command was warrant for what he had done, and that he had been justly punishable if he had refused to do it when commanded; that there had never been a pretence of privilege in case of treason, the contrary whereof was not only understood by the law, but had been by themselves confessed, in a petition delivered by them in the beginning of this King's reign, upon the imprisonment of the earl of Arundel, in which it was acknowledged that the privilege of Parliament extended not to treason, felony, or refusal to find sureties for the peace; that he had no reason to suspect the executing the duty of his place would have been imputed to him for any trespass, since the very same thing he March 12. 1626 April 19.

[1] ['which,' MS.]

1642 had now done, and of which he stood accused, was done in the
1626 first year[1] of this King's reign by sir Robert Heath, the then
May 1. Attorney General, who exhibited articles of high treason before their lordships against the earl of Bristol, which was not then understood to be any breach of privilege; and therefore, having so late a precedent, most of their lordships being then judges, he hoped he should be held excusable for not being able to discern that to be a crime which they had yet never declared to be so.' The undeniable reasons of his defence (against which nothing was replied but 'the inconvenience and mischieve which would attend a Parliament if the members might be accused of high treason without their consent') prevailed so far with the major part of the House of Peers, though the prosecution was with all imaginable sharpness and vehemence by the House of Commons and entertained by those peers who were of that party as a matter of vast concernment to all their hopes, that the questions being put, 'Whether he should be deprived of his place of Attorney? Whether he should be fined to the King? Whether he should pay damages to the persons accused? and, Whether he should be committed to the Tower?' which were the several parts of the sentence which many of the lords had judged him
March 15. to undergo, the negative prevailed in every one of the particulars; so that the Attorney was understood by all men who understood the rules and practice of Parliament to be absolutely absolved from that charge and impeachment by the judgment of the House of Peers.

49. The House of Commons expressed all possible resentment, and declared that they would not rest satisfied with the judgment; and some lords, even of those who had acquitted him, were very desirous to find out an expedient whereby the House of Commons might be compounded with; and it was believed that the Attorney himself was much shaken with that torrent of malice and prejudice which the House of Commons seemed now to threaten him with, conceiving that he and his office now triumphed over the whole body, and not

[1] [The second year.]

over six members only: and therefore, after some days, the House of Peers, considering that 'his discharge was but negative, that he should not be punished in this and that degree, and that he had no absolution from the crime with which he was charged,' proceeded to a new judgment, (contrary to all course and practice of Parliament, or of any judicial court,) and, complying with all their other votes, resolved, by way of judgment upon him, 'that he should be disabled from ever being a parliament man; incapable of any place of judicature or other preferment than of Attorney General,' (which they could not deprive him of, by reason of the former vote,) and 'that he should be committed to the prison of the Fleet.' Which sentence was with all formality pronounced against him, and he committed to the Fleet accordingly: the which the Commons was no more satisfied with than with the former; some of them looking that their favourite, the Solicitor, should have the place of Attorney; others, that the accused members should receive ample damages by way of reparation, without which they could not think themselves secure from the like attempts. 1642 April 23.

50. Having by this extraordinary and exemplar proceeding fortified their privileges against such attempts, and secured their persons from being accused, or proceeded against by law, they used no less severity against all those who presumed to question the justice or prudence of their actions, especially against those who, following the method that had done so much hurt, drew the people to petition for that which they had no mind to grant; and in this prosecution they were not less severe and vehement than against the highest treason could be imagined.

51. Upon the petition, mentioned before[1], that was framed in London against their settling the militia, they committed one George Binion[2], a citizen of great reputation for wealth and wisdom, and [who] was indeed a very sober man. After he had lain some time in prison, the Lords, (according to law,) Feb. 26. March 19.

[1] [Book IV, sect. 34 I.]

[2] [or Benyon, a silkmercer in Cheapside.]

1642 bailed him; but the Commons caused him the next day to be
March 21. re-committed, and preferred an impeachment against him, for
March 31. no other crime but 'advising and contriving that petition.'
April 4, 6. The gentleman defended himself, 'that it was always held, and so publicly declared [by] this Parliament, to be lawful, in a modest way, to petition for the removal or prevention of any grievance: that he, observing very many petitions to be delivered and received for the settling the militia in another way than was then agreeable to the law or had been practised, and conceiving that the same would prove very prejudicial to the city of London, of which he was a member, he had joined with many other citizens, of known ability and integrity, in a petition against so great an inconvenience; which he presumed was lawful for him to do.' How reasonable soever this defence
April 8. was, the House of Peers adjudged him to be disfranchised and incapable of any office in the city, to be committed to the common gaol of Colchester [1], (for his reputation was so great in London that they would not trust him in a city prison,) and fined him three thousand pounds [2].

52. About the same time, at the general assizes in Kent the justices of peace and principal gentlemen of that county prepared a petition to be presented to the two Houses, with a desire 'that the militia might not be otherwise exercised in that county than the known law permitted, and that the Book of Common Prayer established by law might be observed.' This petition was communicated by many to their friends, and copies thereof sent abroad, before the subscription was ready; where-
March 28. upon the House of Peers took notice of it as tending to some commotion in Kent; and in the debate the earl of Bristol taking notice that he had seen a copy of it, and had had some conference about it with judge Mallet, who was then judge of assize in Kent, and newly returned out of his circuit, both the earl and judge, for having but seen the petition, were presently committed to the Tower; and a declaration published that 'none should presume to deliver that or the like petition to

[1] [For two years.]
[2] [On June 14 the King issued a pardon for him.]

either House.' Notwithstanding which, some gentlemen of 1642
Kent, with a great number of the substantial inhabitants of that county, came to the city; which upon the alarum was put in arms, strong guards placed at London Bridge, where the petitioners were disarmed, and only some few suffered to pass with their petition to Westminster, the rest forced to return to their country. And upon the delivery thereof (though the same was very modest, and in a more dutiful dialect than most petitions delivered to them) to the House of Commons, the bringers of the petition were sharply reprehended, two or three April 30.
of them committed to several prisons, the principal gentlemen of the country who had subscribed and advised it sent for as delinquents, and charges and articles of impeachment drawn up against them; and a declaration published, 'that whosoever should henceforth advise or contrive the like petitions should be proceeded against as enemies to the commonwealth.' So unlike and different were their tempers, and reception of those modest addresses which were for duty and obedience to the laws established, and those which pressed and brought on alterations and innovations. But that injustice gave great life and encouragement to their own proselytes, and taught others to know that their being innocent would not be long easy or safe. And this kind of justice extended itself in the same measure to their own members who opposed their irregular determinations, who, besides the agony and vexation of having the most abstract reason and confessed law rejected and overruled with contempt and noise, were liable to all the personal reproaches and discountenance that the pride and petulancy of the other party could lay upon them, and were sometimes imprisoned and disgraced for freely speaking their opinions and conscience in debate.

53. All sorts of men being thus terrified, the Commons remembered that a great magazine of the King's ammunition lay still at Hull; and though that town was in the custody of a confidant of their own, yet they were not willing to venture so great a treasure so near the King, who continued at York with a great resort of persons of honour and quality from all parts;

1642 and therefore they resolved, under pretence of supplying Ireland, to remove it speedily from thence, and to that purpose moved the Lords to join with them in an order. The Lords, who proceeded with less fury and more formality, desired that it might be done with the King's consent. After a long debate, the one thinking they merited much by that civility, the other contented to gratify those in the ceremony who they knew would in the end concur with them, a petition was agreed upon to be sent to his majesty; in which, that he might the sooner yield to them in this matter, they resolved to remember him of that which they thought would reflect on him with the people, and to move him to take off the reprieve from the six priests, which is before mentioned. And so they sent
April 9. their petition to him, telling him that

'They found the stores of arms and ammunition in the Tower of London much diminished, and that the necessity for supply of his kingdom of Ireland (for which they had been issued from thence) daily increased; and that the occasion for which the magazine was placed at Hull was now taken away; and, considering it would be kept at London with less charge and more safety, and transported thence with much more convenience for the service of the kingdom of Ireland, they therefore humbly prayed that his majesty would be graciously pleased to give leave that the said arms, cannon, and ammunition now in magazine at Hull might be removed to the Tower of London, according as should be directed by both his Houses of Parliament. And whereas six priests then in Newgate were condemned to die, and by his majesty had been reprieved, they humbly prayed his majesty to be pleased that the said reprieves might be taken off, and the priests executed according to law.'

54. To which petition his majesty immediately returned answer in these words[1]:

'We rather expected, and have done so long, that you should have given us an account why a garrison hath been placed in our town of Hull without our consent, and soldiers billeted there against law and express words of the Petition of Right, than to be moved, for the avoiding of a needless charge you have put upon yourselves, to give our consent for the removal of our magazine and munition, (our own proper goods,) upon such general reasons as indeed give no satisfaction to our judgment. And since you have made the business of Hull your argument, we would gladly be informed why our own inclination, (on the general rumour of the designs of Papists in the northern parts,) was not thought sufficient ground for us to put a person of honour, fortune, and unblemished reputation, into

[1] [Read in the House of Lords April 16.]

a town and fort of our own, where our own magazine lay, and yet the same rumour be warrant enough for you to commit the same town and fort, without our consent, to the hands of sir John Hotham, with a power unagreeable to the law of the land or the liberty of the subject. 1642

55. 'And yet of this, in point of right or privilege, (for sure we are not without privilege too,) we have not all this while complained: and being confident that the place, (whatsoever discourse there is of public or private instructions to the contrary,) shall be speedily given up if we shall require it, we shall be contented to dispose our munition there, as we have done in other places, for the public ease and benefit, as, upon particular advice, we shall find convenient; though we cannot think it fit, or consent, that the whole magazine be removed together. But when you shall agree upon such proportions as shall be held necessary for any particular service, we shall sign such warrants as shall be agreeable to wisdom and reason; and if any of them be designed for Ulster or Leinster, you know well the conveyance will be more easy and convenient from the place they now are in. Yet we must tell you that if the fears are so great from the Papists at home or of foreign force as is pretended, it seems strange that you make not provision of arms and munition for defence of this kingdom, rather than seek to carry any more from hence without some course taken for supply; especially if you remember your engagement to our Scotch subjects for that proportion of arms which is contained in your treaty. We speak not this as not thinking the sending of arms to Ireland very necessary, but only for the way of the provision. For you know what great quantities we have assigned out of our several stores, which in due time we hope you will see replenished. For the charge of looking to the magazine at Hull, as it was undertaken voluntarily by you at first, and, to say no more, unnecessarily, so you may free our good people of that charge, and leave it to us to look to, who are the proper owner of it. And this we hope will give you full satisfaction in this point, and that ye do not, (as ye have done in the business of the militia,) send this message out of compliment and ceremony, resolving to be your own carvers at last. For we must tell you, if any attempt shall be made or given in this matter without our consent or approbation, we shall esteem it as an act of violence against us, and declare it to all the world as the greatest violation of our right and breach of our privilege.

56. 'Concerning the six priests condemned, it is true they were reprieved by our warrant, [we] being informed that they were (by some restraint) disabled to take the benefit of our former proclamation: since that, we have issued out another for the due execution of the laws against Papists, and have most solemnly promised in the word of a king never to pardon any priest without your consent which shall be found guilty by law; desiring to banish these, having herewith sent warrant to that purpose, if, upon second thoughts, you do not disapprove thereof. But if you think the execution of these persons so very necessary to the great and pious work of reformation, we refer it wholly to you; declaring hereby, that, upon such your resolution signified to the ministers of justice, our warrant for their reprieve is determined, and the law to have the course. And now let us ask you, (for we are willing to husband time, and to despatch as much as may be under one message; God knows the distractions of this kingdom want a present

1642 remedy,) will there never be a time to offer to, as well as ask of, us? We will propose no more particulars to you, having no luck to please or to be understood by you. Take your own time for what concerns our particular, but be sure you have an early, speedy care of the public, that is, of the only rule that preserves the public, the law of the land; preserve the dignity and reverence due to that. It was well said in a speech made by a private person; it was Mr. Pymm's speech against the earl of Strafford, but published by order of the House of Commons this Parliament: *The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into a confusion, every man will become a law unto himself; which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law; covetousness and ambition will become laws; and what dictates, what decisions, such laws will produce, may easily be discerned.* So said that gentleman, and much more, very well, in defence of the law and against arbitrary power. It is worth looking over, and considering. And if the most zealous defence of true Protestant profession, and the most resolved protection of the law, be the most necessary duty of a prince, we cannot believe this miserable distance and misunderstanding can be long continued between us; we having often and earnestly declared them to be the chiefest desires of our soul, and the end and rule of all our actions. For Ireland, we have sufficiently, and we hope satisfactorily, expressed to all our good subjects our hearty sense of that sad business in our several messages in that argument, but especially in our last of the eighth of this month, concerning our resolution for that service; for the speedy, honourable, and full performance whereof, we conjure you to yield all possible assistance and present advice.'

57. This answer was received with the usual circumstances of trouble and discontent, the taxation of evil counsellors and malignant persons about the King. And that clause about the condemned priests exceedingly displeased them, for, by the King's reference of the matter entirely to them, he had removed the scandal from himself and laid it at their doors; and though they were well content and desirous that they should have been executed by the King's warrant for taking off his own reprieve, (whereby they should have made him retract an act of his own mercy and undeniably within his own power, and thereby have lessened much of the devotion of that people to him when they should have seen him quit his power of preserving them in the least degree,) yet, for many reasons, they were not willing to take that harsh part upon themselves; and so those condemned priests were no more prosecuted, and were much safer under that reference for their execution than

they could have been at that time by a pardon under the Great Seal of England. For the other part of the answer, concerning the magazine, it made no pause with them; but within few days after they sent a warrant to their own governor, sir John Hotham, to deliver it, and to their own admiral, the earl of Warwick, to transport it to London; which was, notwithstanding the King's inhibition, done accordingly. But they had at that time another message from the King, which was referred to in the last clause of that answer, and came to their hands some few days before, that gave them some serious trouble and apprehension; the grounds and reasons of which were these:— 1642 Ap. 16, 18, and May 6. May 10.

58. The King, finding that, notwithstanding all the professions and protestations he could make, the business of Ireland was still unreasonably objected to him as if he were not cordial in the suppressing that rebellion, sent a message to both Houses, April 8.

59. 'That, being grieved at the very soul for the calamities of his good subjects of Ireland, and being most tenderly sensible of the false and scandalous reports dispersed amongst the people concerning the rebellion there, which not only wounded his majesty in honour but likewise greatly retarded the reducing that unhappy kingdom, and multiplied the distractions at home by weakening the mutual confidence between him and his people: out of his pious zeal to the honour of Almighty God, in establishing the true Protestant profession in that kingdom, and his princely care for the good of all his dominions, he had firmly resolved to go with all convenient speed into Ireland, to chastise those wicked and detestable rebels, odious to God and all good men; thereby so to settle the peace of that kingdom, and the security of this, that the very name of fears and jealousies might be no more heard of amongst them.'

60. And he said, 'as he doubted not but his Parliament would cheerfully give all possible assistance to this good work, so he required them and all his loving subjects to believe that he would, upon those considerations, as earnestly pursue that design, not declining any hazard of his person in performing that duty which he owed to the defence of God's true religion and his distressed subjects, as he undertook it for those only ends; to the sincerity of which profession he called God to witness, with this further assurance, that he would never consent, (upon whatsoever pretence,) to a toleration of the Popish profession there, or the abolition of the laws now in force against Popish recusants in that kingdom.'

61. His majesty farther advertised them that, 'towards this work he intended to raise forthwith, by his commission, in the counties near Westchester a guard for his own person, (when he should come into Ireland,) con-

1642 sisting of two thousand foot and two hundred horse, which should be armed at Westchester from his magazine at Hull, at which time,' he said, 'all the officers and soldiers should take the oaths of supremacy and allegiance; the charge of raising and paying whereof he desired the Parliament to add to their former undertakings for that war, which he would not only well accept, but, if their pay should be found too great a burden to his good subjects, he would be willing (by the advice of his Parliament,) to sell or pawn any of his parks, lands, or houses, towards the supplies of the service of Ireland. With the addition of these levies to the former of English and Scots agreed upon in Parliament,' he said 'he hoped so to appear in that action, that, by the assistance of Almighty God, that kingdom in a short time might be wholly reduced and restored to peace and some measure of happiness; whereby he might cheerfully return, to be welcomed home with the affections and blessings of all his good English people.

62. 'Towards this good work,' he said, 'as he had lately made despatches into Scotland to quicken the levies there for Ulster, so he heartily wished that his Parliament would give all possible expedition to those which they had resolved for Munster and Connaught, and hoped the encouragement which the Adventurers, (of whose interests he would be always very careful,) would hereby receive would raise full sums of money for the doing thereof.' He told them that, 'out of his earnest desire to remove all occasions which did unhappily multiply misunderstandings between him and his Parliament, he had likewise prepared a bill to be offered to them by his Attorney concerning the militia; whereby he hoped the peace and safety of the kingdom might be fully secured, to the general satisfaction of all men, without violation of his majesty's just rights or prejudice to the liberty of the subject. If this should be thankfully received,' he said, 'he should be glad of it; if refused, he must call God and all the world to judge on whose part the default was; only he required, if the bill should be approved of, that if any corporation should make their lawful rights appear, they might be reserved to them.' He said, 'before he would part from England he would take all due care to intrust such persons with such authority in his absence as he should find to be requisite for the peace and safety of the kingdom and the happy progress of the Parliament.'

63. They neither before nor after ever received any message from his majesty that more discomposed them; and so much the more because that which gave them most umbrage could not be publicly and safely avowed by them. For though to those who had a due reverence to the King's person and an impatient desire that all misunderstandings might be composed, they urged the hazard and danger to his majesty's person in such an expedition, and the increase of jealousies and distractions that would ensue in this kingdom by his absence; and to others,—as well those who from the barbarity, inhumanity, and unheard of cruelty exercised by the rebels in Ireland upon the

English Protestants, (of which they every day received fresh and bleeding evidence,) had contracted a great animosity against the nation, and were persuaded that the work of extirpation was not so difficult as in truth it was, as to the Adventurers, who had disbursed great sums of money, and had digested a full assurance of ample recompense by confiscations and forfeitures,—that by this voyage of the King a peace would be in short time concluded in that kingdom, to their great disadvantage and damage; yet the true reasons which surprised and startled them were that hereby the managing the war of Ireland would be taken out of their hands, and so, instead of having a nursery for soldiers of their own, which they might employ as they saw occasion, and a power of raising what money they pleased in this kingdom under that title, which they might dispose as they found most fit for their affairs, the King would probably in a short time recover one entire kingdom to his obedience, by which he might be able to preserve the peace of the other two. However, working by the several impressions upon the several affections, they found it no difficult thing to persuade almost a unanimous aversion from approving the journey; they who usually opposed their advice not enduring to think of staying in England where the power, at least for a time, would be in them, whose government, they knew, would be terrible when his majesty should be in Ireland. 1642 April 13.

64. And then they despatched a magisterial answer to the King, in which they told him that April 15.

'The Lords and Commons in Parliament had duly considered the message received from his majesty concerning his purpose of going into Ireland in his own person to prosecute the war there, with the bodies of his English subjects, levied, transported, and maintained at their charge; which he was pleased to propound to them, not as a matter wherein he desired the advice of his Parliament, but as already firmly resolved on, and forthwith to be put in execution by granting out commissions for the levying of two thousand foot and two hundred horse, for a guard for his person when he should come into that kingdom; wherein' they said 'they could not but, with all reverence and humility to his majesty, observe that he had declined his Great Council, the Parliament, and varied from the usual course of his royal predecessors, that a business of so great importance concerning the peace and safety of all his subjects, and wherein they have a special interest by his

1642 majesty's promise and by those great sums which they had disbursed and for which they stood engaged, should be concluded and undertaken without their advice; whereupon,' they said, 'they held it their duty to declare, that if at that time his majesty should go into Ireland, he would very much endanger the safety of his royal person and kingdoms and of all other states professing the Protestant religion in Christendom, and make way to the execution of that cruel and bloody design of the Papists every where to root out and destroy the reformed religion, as the Irish Papists had already in a great part effected in that kingdom, and in all likelihood would quickly be attempted in other places if the consideration of the strength and union of the two nations of England and Scotland did not much hinder and discourage the execution of any such design. And that they might manifest to his majesty the danger and misery which such a journey and enterprise would produce, they presented to his majesty the reasons of that their humble opinion and advice:

1. 'His royal person would be subject not only to the casualty of war but to secret practices and conspiracies; especially his majesty continuing his profession to maintain the Protestant religion in that kingdom, which the Papists were generally bound by their vow to extirpate.

2. 'It would exceedingly encourage the rebels; who did generally profess and declare that his majesty did favour and allow their proceedings, and that this insurrection was undertaken by the warrant of his commission; and it would make good their expectation of great advantage by his majesty's presence, at that time of so much distraction in this kingdom, whereby they might hope the two Houses of Parliament would be disabled to supply the war there, especially there appearing less necessity of his majesty's journey at that time by reason of the manifold successes which God had given against them.

3. 'It would much hinder and impair the means whereby the war was to be supported, and increase the charge of it, and in both these respects make it more insupportable to the subject; and this,' they said, 'they could confidently affirm, because many of the Adventurers who had already subscribed, did, upon the knowledge of his majesty's intention, declare their resolution not to pay in their money, and others very willing to have subscribed do now profess the contrary.

4. 'His majesty's absence must necessarily very much interrupt the proceedings of Parliament, and deprive his subjects of the benefit of those further acts of grace and justice which they should humbly expect from his majesty for the establishing of a perfect union and mutual confidence between his majesty and his people, and procuring and confirming the prosperity and happiness of both.

5. 'It would exceedingly increase the fears and jealousies of his people, and render their doubts more probable of some force intended, by some evil counsels near his majesty, in opposition of the Parliament and favour of the malignant party of this kingdom.

6. 'It would bereave his Parliament of that advantage whereby they were induced to undertake that war, upon his majesty's promise that it should be managed by their advice; which could not be done if his majesty, contrary to their counsels, should undertake to order and govern it in his own person.

65. 'Upon which,' they said, 'and divers other reasons, they had resolved, 1642
by the full and concurrent agreement of both Houses, that they could not with discharge of their duty consent to any levies or raising of soldiers to be made by his majesty for that his intended expedition into Ireland, or to the payment of any army or soldiers there but such as should be employed and governed according to their advice and direction: and that if such levies should be made by any commission of his majesty, not agreed to by both Houses of Parliament, they should be forced to interpret the same to be raised to the terror of his people and disturbance of the public peace, and did hold themselves bound by the laws of the kingdom to apply the authority of Parliament to suppress the same.

66. 'And' they said, 'they did further most humbly declare, that if his majesty should by ill counsel be persuaded to go, contrary to that advice of his Parliament, (which they hoped his majesty would not,) they did not in that case hold themselves bound to submit to any commissioners which his majesty should choose, but did resolve to preserve and govern the kingdom by the counsel and advice of Parliament for his majesty and his posterity, according to their allegiance and the law of the land. Wherefore they did most humbly pray and advise his majesty to desist from that his intended passage into Ireland, and from all preparation of men and arms tending thereunto, and to leave the managing of that war to his Parliament, according to his promise made unto them and his commission granted under his Great Seal of England, by advice of both Houses; in prosecuting whereof, by God's blessing, they had already made a prosperous entrance by many defeats of the rebels, whereby they were much weakened and disheartened, and had no probable means of subsistence if the proceedings of the two Houses were not interrupted by that interposition of his majesty's journey: but they hoped, upon good grounds, that, within a short time, without hazard of his person, and so much dangerous confusion to his kingdoms which must needs ensue if he should proceed in that resolution, they should be enabled fully to vindicate his majesty's right and authority in that kingdom, and punish those horrible, outrageous cruelties which had been committed in the murdering and spoiling so many of his subjects, and to bring that realm to such a condition as might be much to the advantage of his majesty and the crown, and the honour of his government, and contentment of his people. For the better and more speedy effecting whereof they did again renew their humble desires of his return to his Parliament, and that he would please to reject all counsels and apprehensions which might any way derogate from that faithfulness and allegiance which, in truth and sincerity, they had always borne and professed to his majesty, and should ever make good to the uttermost with their lives and fortunes.'

67. This petition (the matter whereof finding a general concurrence, there was the least debate and contradiction upon the manner of expression) being sent to the King to York, and in the mean time all preparation being suspended for the necessary relief for Ireland, insomuch as, with the votes (which were presently printed) against the King's journey, there was likewise

1642 an order printed to discourage the Adventurers from bringing in their money; the which, though it had no approbation from either House, and seemed to be angrily interpreted by them, and the printer was ordered to be found out and punished, yet did wholly stop that service, and by the no enquiry or punishment of that boldness appeared to be done by design; his majesty speedily returned this answer [1]:—

68. That 'he was so troubled and astonished to find that unexpected reception and misunderstanding of his message concerning his Irish journey, that (being so much disappointed of the approbation and thanks he looked for to that declaration) he had great cause to doubt, whether it were in his power to say or do any thing which would not fall within the like interpretation: but,' he said, 'as he had in that message called God to witness the sincerity of the profession of his only ends for the undertaking that journey, so he must appeal to all his good subjects, and the whole world, whether the reasons alleged against that journey were of weight to satisfy his understanding, or the counsel presented to dissuade him from it were full of that duty as was like to prevail over his affections. For the resolving of so great a business without the advice of his Parliament,' he said, 'he must remember how often by his messages he made the same offer if they should advise him thereunto, to which they never gave him the least answer, but in their late Declaration told him that they were not to be satisfied with words: so that he had reason to conceive they rather avoided, out of regard to his person, to give him counsel to run that hazard, than that they disapproved the inclination.' And he asked them, 'what greater comfort or security the Protestants of Christendom could receive than by seeing a Protestant king venture and engage his person for the defence of that religion and the suppression of Popery? to which he solemnly protested in that message never to grant a toleration, upon what pretence soever, or an abolition of any of the laws then in force against the professors of it.' And he said, 'when he considered the great calamities and unheard of cruelties his poor Protestant subjects in that kingdom had undergone for the space of near or full six months; the growth and increase of the strength of those barbarous rebels, and the evident probability of foreign supplies if they were not speedily suppressed; the very slow succours hitherto sent them from hence: that the officers of several regiments who had long time been allowed entertainment for that service had not raised any supply or succour for that kingdom; that many troops of horse had long lain near Chester untransported; that the Lord Lieutenant of Ireland, on whom he relied principally for the conduct and managing of affairs there, was still in this kingdom, notwithstanding his majesty's earnestness expressed that he should repair to his command [2]: and when he considered the many and great scandals raised upon himself by report of the rebels, and not sufficiently discountenanced here, notwithstanding so many professions of his majesty, and had seen a book lately

[1] [Read in the House of Lords April 25.]

[2] [By message to him of March 26.]

printed by the order of the House of Commons, entitled, *A Remonstrance of divers remarkable passages concerning the Church and Kingdom of Ireland*[1], wherein some examinations were set down, (how improbable or impossible soever,) which might make an impression in the minds of many of his weak subjects: and lastly, when he had duly weighed the dishonour which would perpetually lie upon this kingdom if full and speedy relief were not despatched thither; his majesty could not think of a better way to discharge his duty to Almighty God for the defence of the true Protestant religion, or to manifest his affection to his three kingdoms for their preservation, than by engaging his person in that expedition, as many of his royal progenitors had done, even in foreign parts, upon causes of less importance and piety, with great honour to themselves and advantage to this kingdom. And therefore he expected at least thanks for such his inclination. 1642 March 21.

69. 'For the danger to his person,' he said, 'he conceived it necessary, and worthy of a king, to adventure his life to preserve his kingdom; neither could it be imagined that he would sit still and suffer his kingdoms to be lost, and his good Protestant subjects to be massacred, without exposing his own person to the utmost hazard for their relief and preservation; his life (when it was most pleasant) being nothing so precious to him as it was, and should be, to govern and preserve his people with honour and justice.

70. 'For any encouragement to the rebels, because of the reports they raised,' he said, 'he could not conceive that the rebels were capable of a greater terror than by the presence of their lawful king in the head of an army to chastise them. Besides, it would be an unspeakable advantage to them if any report of theirs could hinder him from doing any thing which were fit for him to do if such report were not raised: that would quickly teach them, in this jealous age, to prevent by such reports any other persons coming against them whom they had no mind should be employed.'

71. He told them, 'he marvelled that the Adventurers, whose advantage was a principal motive (next the reasons before mentioned) to him, should so much mistake his purpose; whose interest he conceived must be much improved by the expedition he hoped, by God's blessing, to use in that service, that being the most probable way for the speedy conquest of the rebels. Their lands were sufficiently secured by Act of Parliament.'

72. He told them, 'he thought himself not kindly used, that the addition of so few men to their levies (for a guard to his person in Ireland) should be thought fit for their refusal; and, much more, that having used so many cautions in that message, both in the smallness of the number; in his having raised none until their answer; in their being to be raised only near the place of shipping; in their being there to be armed, and that not till they were ready to be shipped; in the provision by the oaths that none of them should be Papists; (all which were sufficient to destroy all grounds of jealousy of any force intended by them in opposition to the Parliament or

[1] ['recommended by letters from the . . . Lords Justices and Counsell of Ireland, and presented by Henry Jones, doctor in divinity, ... to the honorable House of Commons in England,' 4o. Lond. printed for Godf. Emerson and Will. Bladen, 1642.]

1642 favour to any malignant party,) any suspicion should, notwithstanding, be grounded upon it.

73. 'Neither,' he said, 'could it be understood, that, when he recommended the managing of that war to them, he[1] intended to exclude himself, or not to be concerned in their counsels, that if he found any expedient, (which in his conscience and understanding he thought necessary for that great work,) he might not put it in practice.' He told them, 'he looked upon them as his Great Council, whose advice he always had, and would, with great regard and deliberation, weigh and consider: but he looked upon himself as neither deprived of his understanding, or divested of any right he had if there were no Parliament sitting.' He said, 'he called them together by his own writ and authority (without which they could not have met) to give him faithful counsel about his great affairs; but he resigned not up his own interest and freedom; he never subjected himself to their absolute determination; he had always weighed their counsels as proceeding from a council intrusted by him, and when he had dissented from them he had returned them the reasons which had prevailed with his conscience and understanding, with that candour which a prince should use towards his subjects and that affection which a father could express to his children. What application had been used to rectify his understanding by reasons, or what motives had been given to persuade his affections, he would leave all the world to judge. And then,' he said, 'he must tell them, howsoever a major part might bind them in matter of opinion, he held himself (and he was sure the law and constitution of the kingdom had always held the same) as free to dissent, till his reason were convinced for the general good, as if they had delivered no opinion.

74. 'For his journey itself,' he told them, 'the circumstances of their petition were such as he knew not well what answer to return, or whether he were best to give any. That part which pretended to carry reason with it did no way satisfy him; the other, which was rather reprehension and menace than advice, could not stagger him. His answer therefore was, that he should be very glad to find the work of Ireland so easy as they seemed to think it; which did not so appear by any thing known to him when he sent his message: and though he would never refuse, or be unwilling, to venture his person for the good and safety of his people, he was not so weary of his life as to hazard it impertinently; and therefore, since they seemed to have received advertisements of some late and great successes in that kingdom, he would stay some time to see the event of those, and not pursue his resolution till he had given them a second notice: but, if he found the miserable condition of his poor subjects of that kingdom were not speedily relieved, he would, with God's assistance, visit them with succours as his particular credit and interest could supply him with, if they refused to join with him. And he doubted not but the levies he should make (in which he would observe punctually the former and all other cautions as might best prevent all fears and jealousies, and to use no power but what was legal) would be so much to the satisfaction of his subjects as no person would dare presume to resist his commands; and if they should, at their peril [be it].

[1] ['that he,' MS.]

In the mean time, he hoped his forwardness, so remarkable, to that service should be notorious to all the world, and that all scandals laid on him in that business should be clearly wiped away.' 1642

75. He told them, 'he had been so careful that his journey into Ireland should not interrupt the proceedings of Parliament, nor deprive his subjects of any acts of justice or farther acts of grace for the real benefit of his people, that he had made a free offer of leaving such power behind as should not only be necessary for the peace and safety of the kingdom but fully provide for the happy progress of the Parliament: and therefore he could not but wonder, since such power had been always left here by commission for the government of this kingdom when his progenitors had been out of the same, during the sitting of parliaments, and since themselves desired that such a power might be left here by his majesty at his last going into Scotland, what law of the land they had now found to dispense with them from submitting to such authority, legally derived from him, in his absence, and to enable them to govern the kingdom by their own mere authority.

76. 'For his return to London,' he said, 'he had given them so full answers in his late Declaration and answers that he knew not what to add, if they would not provide for his security with them, nor agree to remove to another place where there might not be the same danger to his majesty.' He told them, 'he expected that (since he had been so particular in the causes and grounds of his fears) they should have sent him word that they had published such declarations against future tumults and unlawful assemblies, and taken such courses for the suppressing seditious pamphlets and sermons, that his fears of that kind might be laid aside, before they should press his return.

77. 'To conclude,' he told them, 'he could wish that they would with the same strictness and severity weigh and examine their messages and expressions to him as they did those they received from him; for he was very confident that, if they examined his rights and privileges by what his predecessors had enjoyed and their own addresses by their usual courses observed by their ancestors, they would find many expressions in that petition warranted only by their own authority; which indeed he forbore to take notice of, or to give answer to, lest he should be tempted, (in a just indignation,) to express a greater passion than he was yet willing to put on. God in his good time, he hoped, would so inform the hearts of all his subjects that he should recover from the mischieve and danger of that distemper; on whose good pleasure,' he said, 'he would wait with all patience and humility.'

78. And from this time the purpose was never resumed of his majesty's personal expedition into Ireland, and so they were freed from that apprehension. The truth is, that counsel for his majesty's journey into Ireland was very suddenly taken, and communicated to very few, without consideration of the objections that would naturally arise against it; and was rather resolved as a probable stratagem to compose the two Houses to

1642 a better temper and sobriety, upon the apprehension of the King's absence from them and the inconveniences that might thence ensue, than sufficiently considered and digested for execution. For none were more violent against it than they who served the King most faithfully in the Houses; who, in the King's absence, and after such a grant of the militia as was then offered, looked upon themselves as sacrificed to the pride and fury of those whose inclinations and temper had begot the confusions they complained of. But if it had been so duly weighed and consulted, and men so disposed, that it might have been executed, and the King [had] taken a fit council and retinue about him, it would at that time have been no hard matter speedily to have reduced Ireland, and, by the reputation and authority of that, the other two kingdoms might have been contained within their proper bounds. But, as it fell out, the overture proved disadvantageous to the King, and gave the other party new cause of triumph that they had plainly threatened him out of what he pretended to have firmly resolved to do; which disadvantage was improved by the other proposition that attended it, concerning the militia. For the bill sent by the King upon that argument brought the business again into debate; and, though nothing was concluded upon it, the King was a loser by the proposition, though not so much as he feared he should have been when he saw his journey into Ireland desperate; upon the supposition of which he had only made that tender.

April 8. April 13. 79. The bill sent by the King, and preferred to the House of Peers by the Attorney General, granted the militia for one year to the persons first nominated by the Houses in their ordinance to his majesty, and made those persons in the execution of that trust subject to the authority of his majesty and the two Houses jointly whilst his majesty was within the kingdom, and in his absence, of the two Houses only. What alterations and amendments they made in it before they returned it again for the royal assent will best appear by the King's answer, April 28. which he sent to them at the time of his refusal to pass it; which was,

80. That 'he had with great deliberation and patience weighed and considered (as it concerned him much to weigh the consequences of every law before he passed it) their bill lately sent to him for the settling the militia; and though it had not been usual to give any reason for the refusal to pass any bill, (it being absolutely in his power to pass or not pass any Act sent to him, if he conceived it prejudicial to himself, or inconvenient for his subjects, for whom he was trusted and must one day give an account;) yet in that business of the militia, which being misunderstood amongst his good subjects had been used as an argument as if he were not vigilant enough for the public safety, and lest he should be thought less constant in his resolutions, and that bill to be the same he had sent to them, he thought fit to give them and all the world particular satisfaction, why he could not, ought not, must not, pass that bill, being the first public bill he had refused this Parliament. And therefore,' he told them, 'he must complain, that, having expressed himself so clearly and particularly to them in that point, they should press any thing upon him which they could not but foresee that he must refuse, except he departed from those resolutions, grounded upon so much reason, he had so earnestly before acquainted them with, and against which they had not given one argument to satisfy his judgment.' 1642

81. He told them, 'he was pleased they had declined the unwarrantable course of their ordinance, (to the which he was confident his good subjects would never have yielded their consent,) and chosen that only right way of imposing upon the people, which he would have allowed but for the reasons following:'

82. He said, 'he had refused to consent to their ordinance, as for other things, so for that the power was put into the persons nominated therein by direction of both Houses of Parliament, excluding his majesty from any power in the disposition or execution of it together with them. He had then advised them, for many reasons, that a bill should be prepared; and after, in his answer of the 26th of March to the petition of both Houses, he had told them, if such a bill should be prepared with that due regard to his majesty and care of his people, in the limitation of the power, and other circumstances, he should recede from nothing he formerly expressed.

83. 'What passed (enough to have discouraged him from being further solicitous in that argument) after his full and gracious answers, he was content to forget. When he resolved of his journey into Ireland, so that, by reason of his absence, there might be no want of settling that power, besides complying with their fears, he sent, together with a message of that his purpose, a bill for the settling that power for a year; hoping in that time to return to them, and being sure that in much less time they might do the business for which at first they seemed to desire this, which was, that they might securely consider his message of the 20th of January last. By that bill which he sent he consented to those names they proposed in their ordinance, and, in the limitation of the power, provided that himself should not be able to execute any thing but by their advice, and when he should be out of the kingdom, the sole execution to be in them; with many other things, of so arbitrary and uncircumscribed a power that he should not have consented to but with reference to the absence of his own person out of the kingdom, and thought it the more sufferable in respect the time was

1642 but for a year. Whether that bill they had sent to him to pass were the same, the world would judge.'

84. He said, 'they had by that bill tendered to his majesty, without taking notice of him, put the power of the whole kingdom, the life and liberties of the subjects of all degrees and qualities, into the hands of particular men for two years.' He asked them, 'if they could imagine he would trust such an absolute power in the hands of particular persons which he had refused to commit to both Houses of Parliament? Nay, if the power itself were not too absolute, too unlimited, to be committed into any private hands? Whether sir J. Hotham's high insolence shewed him not what he might expect from an exorbitant legal power, when he, by a power not warranted by law, durst venture upon a treasonable disobedience? But his majesty would willingly know, (and indeed such an account in ordinary civility,' he said, 'he might have expected,) why he was by that Act absolutely excluded from any power or authority in the execution of the militia.' He said, 'sure their fears and jealousies were not of such a nature as were capable of no other remedy than by leaving him no power in a point of the greatest importance; in which God and the law had trusted him solely, and which he had been contented to share with them by his own bill, by putting it and a greater into the hands of particular subjects.' He asked them, 'what all Christian princes would think of him after he had passed such a bill? how they would value his sovereignty? And yet,' he said, 'sure his reputation with foreign princes was some ground of their security. Nay, he was confident, by that time they had throughly considered the possible consequence of that bill upon themselves and the rest of his good subjects, they would all give him thanks for not consenting to it; finding their condition, if it should have passed, would not have been so pleasing to them.' He told them, 'he hoped that animadversion would be no breach of their privileges. In that throng of business and distemper of affections it was possible second thoughts might present somewhat to their considerations which escaped them before.'

Jan. 15. 85. He remembered them, that 'he had passed a bill this Parliament, at their entreaty, concerning the captives of Algiers, and waived many objections of his own to the contrary, upon information that the business had been many months considered by them; whether it proved suitable to their intentions, or whether they had not by some private orders suspended that Act of Parliament upon view of the mistakes, themselves best knew; as likewise what other alterations they had made upon other bills passed this session.' He told them, 'he could not pass over the putting their names out of that bill whom before they had recommended to him in their ordinance, not thinking fit, it seemed, to trust those who would obey no guide but the law of the land, (he imagined they would not wish he should in his estimation of others follow that their rule,) and the leaving out, by special provision, the present lord mayor of London as a person in their disfavour, whereas,' he said, 'he must tell them his demeanour had been such that the city and the whole kingdom was beholding to him for his example.

86. 'To conclude,' he said, 'he did not find himself possessed of such an excess of power, that it was fit to transfer, or consent it should be in other

persons, as was directed by that bill; and therefore he should rely upon 1642
that royal right and jurisdiction which God and the law had given him, for the suppressing of rebellion and resisting foreign invasion, which had preserved the kingdom in the time of all his ancestors, and which he doubted not but he should be able to execute. And, not more for his own honour and right than for the liberty and safety of his people, he could not consent to pass that bill.'

87. Though no sober man could deny the reasonableness of that answer, and that there was indeed so great a difference between the bill sent by his majesty and that presented to him from the two Houses that it could not soberly be imagined he would consent to it, yet it had been better for his majesty that that overture had never been made; it giving new life, spirit, and hopes to them, and they making the people believe (who understood not the difference, and knew not that 'the King's pleasure signified by both Houses of Parliament' was the pleasure of both Houses without the King) that his majesty now refused to consent to what himself had offered and proposed; whilst his own party (for so those began now to be called who preserved their duty and allegiance entire) was as much troubled to find so sovereign a power of the Crown offered to be parted with to the two Houses as was tendered to them by the King's own bill, and that it was possible for his majesty to recede from his firmest resolves, even in a point that would not naturally admit of the least division or diminution.

88 [1]. The King, being well pleased that he had gone through one of his resolutions, and not much troubled at the anger and trouble it had produced, and finding his court full of persons of quality of the country, [who [2]] made all expressions of affection and duty which they thought would be most acceptable to him, he resolved to undertake another enterprise, which was of more importance, and which in truth was the sole motive of his journey into those parts. The great magazine of arms and ammunition which was left upon the disbanding the army remained still at Hull, and was a nobler proportion than remained in the Tower of London or all other his majesty's stores; and

[1] [§ 88 and the beginning of 89 are from the *Life*, p. 159.]

[2] ['which,' MS.]

1642 there had been formerly a purpose to have secured the same by the earl of Newcastle's presence there, which had been disappointed, as hath been before mentioned, and sir John Hotham sent thither to look to it; who was now there, only with one of the companies of the train-bands: and so the King resolved that he would himself make a journey thither with his own usual train, and, being there, that he would stay there till he had secured the place to him. This was his purpose; which he concealed to that degree that very few about him knew any thing of it.

89. As soon as it was known that his majesty meant to reside in York, it was easily suspected that he had an eye upon the
April 18. magazine; and therefore they made an order in both Houses that the magazine should be removed from Hull to the Tower, and ships were making ready for the transportation; so that his majesty could no longer defer the execution of what he designed [1]. And being persuaded [2] by some (who believed themselves) that if he went thither it would neither be in sir J. Hotham's will or his power to keep him out of that town, and that being possessed of so considerable a port and of the magazine there, he should find a better temper towards a modest and dutiful treaty; his majesty took the opportunity of

[1] [The MS. adds (but the passage is marked for omission):—
'And therefore he sent the duke of York, (who came to him few days before from Richmond by his command,) attended only by a few gentlemen and servants, whereof sir Lewis Dyves was one, who had much acquaintance with Hotham, to see the town, and without any other pretence. He was received by sir [J.] Hotham with all respect, and was treated and lodged by him in such a manner as was fit. The next morning the King himself, with a choice number of about twenty or thirty gentlemen, who were appointed to attend by himself, and all others inhibited to go, went from York, and sent word by one of his servants to sir [J.] Hotham, that his majesty would dine with him that day, with which message he was exceedingly surprised and confounded.
'The man was of a fearful nature,' &c.; *as in sect.* 91.]

[2] [The MS. of the *History* is here resumed, p. 161, and this sentence begins thus, in two lines which are crossed out:—
'Whilst these things were agitating, the King, who found the resort and affections of the North to be answerable to his expectation, and the principal gentlemen to be inclined very heartily and devoutly to his service, and being persuaded,' &c.]

a petition presented to him by the gentlemen of Yorkshire, 1642
who were much troubled at the order for removing the maga- April 22.
zine from Hull, and were ready to appear in any thing for his service, by which they desired him 'to cast his eyes and thoughts upon the safety of his own person and his princely issue, and that whole country; a great means whereof,' they said, 'did consist in the arms and ammunition at Hull, placed there by his princely care and charge; and since, upon general apprehensions of dangers from foreign parts, thought fit to be continued: and they did very earnestly beseech him, that he would take such course, that it might still remain there, for the better securing those and the rest of the northern parts.' Hereupon he resolved to go thither himself; and the night April 22.
before, he sent his son the duke of York, who was lately arrived from Richmond, accompanied with the prince Elector, thither, with some other persons of honour, who knew no more than that it was a journey given to the pleasure and curiosity of the duke. Sir John Hotham received them with that duty and civility that became him. The next morning early, the King April 23.
took horse from York, and, attended with two or three hundred of his servants and gentlemen of the country, rode thither; and when he came within a mile of the town sent a gentleman to sir John Hotham to let him know that the King would that day dine with him; with which he was strangely surprised, or seemed to be so.

90. [1] It was then reported, and was afterwards averred by himself to some friends, that he had received, the night before, advertisement from a person very near to, and very much trusted by, his majesty, of the King's purpose of coming thither, and that there was a resolution of hanging him, or cutting his throat, as soon as he was in the town.

91. [2] The man was of a fearful nature and perplexed under-

[1] [This paragraph is struck out in the MS. of the *Hist.*, p. 162. *Cf.* the note below, and the reference in the King's message to the report, § 103.]

[2] ['The man—bridges drawn,' from the *Life*, p. 159, which then proceeds thus:—

1. 'Sir John Hotham appeared himself upon the wall, and when the King

1642 standing, and could better resolve upon deliberation than on a sudden; and many were of opinion that if he had been pre-

commanded him to cause the port to be opened, he answered like a distracted man, that no man could understand; he fell upon his knees, used all the execrations imaginable, that the earth would open and swallow him up, if he were not his majesty's most faithful subject; talked of his trust from the Parliament, of whose fidelity towards his majesty he was likewise well assured; and in conclusion, he made it evident that he would not permit the King to enter into the town. So that after many messages and answers, (for he went himself from the wall, out of an apprehension of some attempt upon his person,) the King, after the Duke of York and they who attended him were permitted to return out of the town, and after he had caused sir John Hotham to be proclaimed a traitor for keeping the town by force against him, returned [1] to York, with infinite perplexity of mind, and sent a complaint to the Parliament of Hotham's disobedience and rebellion. It was then believed, and Hotham himself made it to be believed, that Mr. Murry, of the bedchamber, who was the messenger sent by the King in the morning to give sir John Hotham notice that his majesty intended to dine with him, had infused some apprehensions into the man, as if the King meant to use violence towards him, which produced that distemper and resolution in him; but it was never proved, and that person (who was very mysterious in all his actions) continued long after in his majesty's confidence.

2. 'As soon as it was known at Westminster what repulse the King had received at Hull, the joy that appeared in their countenances and behaviour cannot be expressed, and their public proceeding in the Houses [was [2]] never so insolent. They declared, by an act of both Houses, that sir John Hotham had behaved him honestly, and according to the trust they had reposed in him, and in which they would justify him, and that his behaviour had been according to law, and that the King in proclaiming him guilty of treason had again broken their privileges. What passed hereupon by way of messages and declarations, to which the King always (having notice timely, and all preparations being made whilst the debate held in the Houses) sent quick and sharp answers, which were still read in churches, as the Parliament had appointed theirs to be; their proceedings in the militia, and their listing men by virtue thereof in several places in the country as well as in the city; their choosing the earl of Essex to be their general, and declaring that they would live and die with him, and all other preparations towards a war, are the proper subjects of a history of that time, and not fit to be contained in this discourse, though some important particulars cannot be omitted. Nor will it be denied by any who had the least knowledge of the temper of that time, that from the beginning of those paper skirmishes the King recovered great reputation and advantage over the two Houses, whose high proceedings and carriage [were [3]] in all places exceedingly censured by all persons of honour and great interest; it being very evident that they were followed and submitted to principally by the meanest of the

[1] ['he returned,' MS.] [2] ['were,' MS.] [3] ['was,' MS.]

pared dexterously beforehand and in confidence, he would have conformed to the King's pleasure; for he was master of a noble fortune in land, and rich in money, of a very ancient family and well allied; his affections to the government very good, and no man less desired to see the nation involved in a civil war than he: and when he accepted this employment from the Parliament he never imagined it would engage him in rebellion, but believed that the King would find it necessary to comply with the advice of his two Houses, and that the preserving that magazine from being possessed by him would likewise prevent any possible rupture into arms. He was now in great confusion; and calling some of the chief magistrates and other officers together to consult, they persuaded him not to suffer the King to enter into the town. And his majesty coming within an hour after his messenger, found the gates shut, and the bridges drawn, and the walls manned, all things being in a readiness for the reception of an enemy, sir John Hotham himself from the walls, with several professions of duty and many expressions of fear, telling his majesty that 'he durst not open the gates, being trusted by the Parliament.' The King told him that 'he believed he had no order from the Parliament to shut the gates against him, or to keep him out of the town.' He replied that 'his train was so great that if it were admitted he should not be able to give a good account of the town.' Whereupon the King offered to enter with twenty horse only, and that the rest should stay without. The which the other refusing, the King desired him 'to come to him, that he might confer with him, upon his princely word of safety and liberty to return.' And when he excused himself likewise from that, his majesty told him that 'as this act of his was unparlleled, so it would produce some notable effect; that it was not 1642

people. And though some persons of quality and estates, who had, from their prejudice to some particular bishops, contracted a dislike and displeasure against the Church itself, and the religion established, followed their party, yet the number of them was not great, and their credit only with some factious preachers and those poor people who were corrupted by them, and even of those there were few that imagined they should be engaged in a war to compass their desires.'

1642 possible for him to sit down by such an indignity, but that he would immediately proclaim him traitor, and proceed against him as such; that this disobedience of his would probably bring many miseries upon the kingdom, and much loss of blood, all which might be prevented if he performed the duty of a subject; and therefore advised him to think sadly of it, and to prevent the necessary growth of so many calamities, which must lie all upon his conscience.' The gentleman, with much distraction in his looks, talked confusedly of 'the trust he had from the Parliament;' then fell on his knees, and wished that 'God would bring confusion upon him and his, if he were not a loyal and faithful subject to his majesty;' but, in conclusion, plainly denied to suffer his majesty to come into the town. Whereupon the King caused him immediately to be proclaimed a traitor, which the other received with some expressions of undutifulness and contempt. And so the King, after the duke of York and prince Elector, with their retinue, were come out of the town, where they were kept some hours, was forced to retire that night to Beverly, four miles from that place; and so the next day returned to York, full of trouble and indignation for the affront he had received, which he foresaw would produce a world of mischief.

April 24. 92. The King sent an express to the two Houses, with a message declaring what had passed, and that sir John Hotham had justified his treason and disloyalty by pretence of an order and trust from them, which as he could not produce, so his majesty was confident they would not own, but would be highly sensible of the scandal he had laid upon them, as well as of his disloyalty to his majesty. And therefore he demanded justice of them against him according to law. The Houses had heard before of the King's going out of York thither, and were in terrible apprehension that he had possessed himself of the town, and that sir John Hotham, (for they were not confident of him as of a man of their own faith,) by promises or menaces had given up the place to him, and with this apprehension they were exceedingly dejected: but when they heard the truth, and found that Hull was still in their hands, they were equally exalted, magnifying their trusty governor's faith and fidelity against the King.

93. In the mean time, the gentlemen of the North expressed a marvellous sense and passion on his majesty's behalf, and offered to raise the force of the county to take the town by force. But the King chose, for many reasons, to send again to the Houses another message, in which he told them that 1642 April 28. (read April 30.)

'He was so much concerned in the undutiful affront (an indignity all his good subjects must disdain in his behalf) he had received from sir John Hotham at Hull, that he was impatient till he received justice from them, and was compelled to call again for an answer; being confident, however they had been so careful, though without his consent, to put a garrison into that his town, to secure it and his magazine against any attempt of the Papists, that they never intended to dispose and maintain it against him their sovereign. Therefore he required them forthwith (for the business would admit no delay) that they took some speedy course that his said town and magazine might be immediately delivered up unto him; and that such severe exemplary proceedings should be against those persons who had offered that insupportable affront and injury to him as by the law was provided; and till that should be done he would intend no business whatsoever, other than the business of Ireland. For,' he said, 'if he were brought into a condition so much worse than any of his subjects, that, whilst they all enjoyed their privileges, and might not have their possessions disturbed or their titles questioned, he only might be spoiled, thrown out of his towns, and his goods taken from him, it was time to examine how he had lost those privileges, and to try all possible ways, by the help of God, the law of the land, and the affection of his good subjects, to recover them, and to vindicate himself from those injuries. And if he should miscarry therein, he should be the first prince of this kingdom that had done so, having no other end but to defend the true Protestant religion, the law of the land, and the liberty of the subject. And he desired God so to deal with him as he continued in those resolutions.'

94. Instead of any answer to his majesty upon these two messages, or sadly considering how this breach might be made up, they immediately publish (together with a Declaration of their former jealousies of the Papists, of the malignant party, of the lord Digby's letter intercepted, of the earl of Newcastle's being sent thither, upon which they had first sent down a governor and put a garrison into Hull) several votes and resolutions, by which they declared that April 28.

95. 'Sir John Hotham had done nothing but in obedience to the command of both Houses of Parliament, and that the declaring of him a traitor, being a member of the House of Commons, was a high breach of the privilege of Parliament, and, being without due process of law, was against the liberty of the subject and against the law of the land.'

1642 96. And, hearing at the same time that a letter coming from Hull to them the night after the King's being there had been
April 26. intercepted by some of his majesty's servants, they declared that 'all such intercepting of any letters sent to them was a high breach of the privilege of Parliament, which, by the laws of the kingdom and the Protestation, they were bound to defend with their lives and their fortunes, and to bring the violator thereof to condign punishment.' Then they ordered that the shriefs and justices of the peace of the counties of York and Lincoln, and all others his majesty's officers, should suppress all forces that should be raised or gathered together in those counties either to force the town of Hull or stop the passages to and from the same, or in any other way to disturb the peace of the kingdom. All which votes, orders, and declarations, being printed, and diligently dispersed throughout the kingdom before any address made to his majesty in answer
May 4. of his messages, and coming to his view, the King published an answer to those votes and declarations, in which he said:

97. 'Since his gracious messages to both Houses of Parliament demanding justice for the high and unheard of affront offered unto him at the gates of Hull by sir John Hotham [were [1]] not thought worthy of an answer, but that, instead thereof, they had thought fit by their printed votes to own and avow that unparalleled act to be done in obedience to the command of both Houses of Parliament, (though at that time he could produce no such command,) and, with other resolutions against his proceedings there, to publish a Declaration concerning that business, as an appeal to the people, and as if their intercourse with his majesty and for his satisfaction were now to no more purpose; though he knew that course of theirs to be very unagreeable to the modesty and duty of former times, and unwarrantable by any precedents but what themselves had made, yet he was not unwilling to join issue with them in that way, and to let all the world know how necessary, just, and lawful all his proceedings had been in that point, and that the defence of those proceedings was the defence of the law of the land, of the liberty and property of the subject, and that by the same rule of justice which was now offered to him all the private interest and title of all his good subjects to all their lands and goods was confounded and destroyed.' He remembered them that 'Mr. Pim had said in his speech against the earl of Strafford, (which was published by order of the Commons' House,) "*The law is the safeguard, the custody of all private interests; your honours, your lives, your liberties and estates, are all in the keeping of the law; without this, every man hath a like right to any thing.*"' And he said, 'he would fain

[1] ['was,' MS.]

be answered what title any subject of his kingdom had to his house or land 1642
that he had not to his town of Hull? or what right any subject had to his money, plate, or jewels, that his majesty had not to his magazine or munition there? If he had ever such a title,' he said, 'he would know when he lost it? And if that magazine and munition, bought with his own money, were ever his, when and how that property went out of him? He very well knew the great and unlimited power of a Parliament; but he knew as well, that it was only in that sense as he was a part of that Parliament; without him, and against his consent, the votes of either or both Houses together must not, could not, should not (if he could help it, for his subjects' sake as well as his own) forbid any thing that was enjoined by the law, or enjoin any thing that was forbidden by the law. But in any such alteration which might be for the peace and happiness of the kingdom, he had not [refused], should not refuse, to consent. And he doubted not but that all his good subjects would easily discern in what a miserable insecurity and confusion they must necessarily and inevitably be, if descents might be altered, purchases avoided, assurances and conveyances cancelled, the sovereign legal authority despised and resisted, by votes or orders of either or both Houses. And this,' he said, 'he was sure, was his case at Hull. And as it was his this day, by the same rule it might be theirs to-morrow.

98. 'Against any desperate design of the Papists, of which they discoursed so much, he had sufficiently expressed his zeal and intentions; and should be as forward to adventure his own life and fortune to oppose any such designs as the meanest subject in his kingdom.

99. 'For the *malignant party*,' he said, 'as the law had not to [his[1]] knowledge defined their condition, so neither House had presented them to his majesty under such a notion as he might well understand whom they intended; and he should therefore only inquire after and avoid the *malignant party* under the character of persons disaffected to the peace and government of the kingdom, and such who, neglecting and despising the law of the land, had given themselves other rules to walk by, and so dispensed with their obedience to authority. Of those persons, as destructive to the commonwealth, he should take all possible caution.

100. 'Why any letters intercepted from the lord Digby, (wherein he mentioned a retreat to a place of safety,) should hinder him from visiting his own fort, and how he had opposed any ways of accommodation with his Parliament, and what ways and overtures had been offered in any way, or like any desire of such accommodation; or whether his message of the 20th of January last (so often in vain pressed by him,) had not sufficiently expressed his earnest desire of it,' he said, 'all the world should judge; neither was it in the power of any persons to incline him to take arms against his Parliament and his good subjects, and miserably to embroil the kingdom in civil wars. He had given sufficient evidence to the world how much his affections abhorred, and how much his heart did bleed at the apprehension of, a civil war. And,' he said, 'God and the world must judge, if his care and industry were [not[2]] only to defend and protect the liberty of the subject, the law of the kingdom, his own just rights, (part of that

[1] ['their,' MS.; 'our' in the *Answer*.] [2] [so in the *Answer*.]

1642 law,) and his honour, (much more precious than his life,) and if in opposition to these any civil war should arise, upon whose account the blood and destruction that must follow must be cast. God and his own conscience told him that he was clear.

101. 'For captain Legg's being sent heretofore to Hull, or for the earl of Newcastle's being sent thither, by his warrant and authority,' he said, 'he had asked a question long ago, in his answer to both Houses concerning the magazine at Hull, which he had cause to think was not easy to be answered; why the general rumour of the design of Papists in the northern parts should not be thought sufficient ground for his majesty to put in such a person of honour, fortune, and unblemished reputation, as the earl of Newcastle was known to be, into a town and fort of his own, where his own magazine lay, and yet the same rumour be warrant enough to commit the same town and fort, without his consent, to the hands of sir John Hotham, with such a power as was now too well known and understood? How his refusal to have that magazine removed, upon the petition of both Houses, could give any advantage against him to have it taken from him, and whether it was a refusal, all men would easily understand who read his answer to that petition; to which it had not been yet thought fit to make any reply.

102. 'For the condition of those persons who presented the petition to him at York (whom that Declaration called, "*some few ill-affected persons about the city of York*") to continue the magazine at Hull,' he said, 'he made no doubt but that petition would appear to be attested both in number and weight by persons of honour and integrity, and much more conversant with the affections of the whole country than most of those petitions which had been received with so much consent and approbation. And for their presumption of interposing their advice, his majesty the more wondered at that exception, when such encouragement had been given, and thanks declared, to multitudes of mean, unknown people, prentices and porters, who had accompanied petitions of very strange natures.

103. 'For the manner of his going to Hull,' he said, 'he had clearly set forth the same in his message to both Houses of that business. And for any intelligence given to sir John Hotham of an intention to deprive him of his life, as he knew there was no such intention in him, having given him all possible assurance of the same at his being there, so he was confident no such intelligence was given, or if it were, it was by some villain, who had nothing but malice, or design to fright him from his due obedience, to warrant him; and sir John Hotham had all the reason to assure himself that his life would be in much more danger by refusing to admit his King into his own town and fort than by yielding him that obedience which he owed by his oaths of allegiance and supremacy, and the Protestation, and which he knew was due and warrantable by the laws of the land. For the number of his attendants, (though that could be no warrant for such a disobedience in a subject,)' he said, 'it was well known (as his majesty had expressed in his message to both Houses, to which credit ought to have been given) that he offered to go into the town with twenty horse only, his whole train being unarmed; and whosoever thought that too great an attendance for his majesty and his two sons had sure an intention to bring him to a meaner retinue than they would yet avow.

104. 'Here then,' he said, 'was his case, of which all the world should judge: his majesty endeavoured to visit a town and fort of his own, wherein his own magazine lay: a subject, in defiance of him, shuts the gates against him, with armed men resists, denies, and opposes his entrance; tells him, in plain terms, he should not come in.' He said, 'he did not pretend to understand much law, yet in the point of treason he had had much learning taught him this Parliament; and if the sense of the statute of the 25th year of Edward III. chap. 2, were not very differing from the letter, sir John Hotham's act was no less than plain High Treason: and he had been contemptibly stupid if he had, after all those circumstances of grace and favour then shewed to him, made any scruple to proclaim him traitor. And whether he were so or no, if he would render himself, his majesty would require no other trial than that which the law had appointed to every subject, and which he was confident he had not in the least degree violated in those proceedings; no more than he had done the privilege of Parliament by endeavouring in a just way to challenge his own unquestionable privileges. For that, in such case, the declaring him traitor, being a member of the House of Commons, without process of law, should be a breach of privilege of Parliament, (of which he was sure none extended to treason, felony, or breach of the peace,) against the liberty of the subject, or against the law of the land, he must have other reasons than bare votes.' He said, 'he would know, if sir John Hotham had with those forces by which he kept him out of his town of Hull pursued him to the gates of York, which he might as legally have done, whether his majesty must have stayed from declaring him traitor till process of law might have issued against him? Would fears and jealousies dispense with necessary and real forms, and must his majesty when actual war is levied upon him observe forms which the law itself doth not enjoin? The cause,' he said, 'was truly stated; let all the world judge (unless the mere sitting of a Parliament did suspend all laws, and his majesty was the only person in England against whom treason could not be committed) where the fault was. And whatsoever course he should be driven to for the vindication of that his privilege, and for the recovery and maintenance of his known undoubted rights, he doth promise, in the presence of Almighty God, and as he hopes for his blessing in his success, that he would to the utmost of his powers defend and maintain the true Protestant profession, the law of the land, the liberty of the subject, and the just privilege and freedom of Parliament. 1642

105. 'For the order of assistance given to the committee of both Houses concerning their going to Hull,' he said, 'he should say no more, but that those persons named in that order, he presumed, would give no commands, or his good subjects obey, other than what were warranted by the law, (how large the directions are, or the instructions might be,) for to that rule he should apply his own actions, and by it require an account from other men. And that all his good subjects might the better know their duty in matters of this nature, he wished them carefully to peruse the statute of the 11th year of King Henry VII. ch. 1[1].' He said, 'he would conclude with Mr. April 28.

[1] [*None that shall attend upon the King, and do him true service, shall be attainted, or forfeit any thing.*]

1642 Pimm's own words: "*If the prerogative of the King overwhelm the liberty of the people, it will be turned to tyranny; if liberty undermine the prerogative, it would grow into anarchy.*"

106. Besides their Declaration, votes, and orders, in the justification of sir John Hotham, for his better encouragement and for a ground of his son's residence at Hull, in whom they April 30. had in truth a firmer confidence than in the father, they ordered that 'if, by any force or accident, sir John Hotham should lose his life, or otherwise die in that service, his [2] son should succeed him in the government.' And having thus declared themselves, they thought fit at last to send some particular May 5. answer to the King upon that business, which they were the rather inclined to do that, under that pretence, they might send down a committee of their own to reside at York, whereby they might receive constant animadversions of what happened and what was designed, and their friends and dependents in that large, populous, and rich county be the better confirmed in their affections and devotions to them. And to that purpose they sent down the lord Howard of Escrick, the lord Fairfax, sir Hugh Cholmely, (a fast friend to sir J. Hotham,) sir Philip Stapleton, (who had likewise married Hotham's daughter,) and May 9. sir Harry Cholmely, who presented their answer in writing to his majesty; the which, being of a mould unusual, and a dialect higher and rougher than even themselves had yet used, I have thought fit to insert in the same words it was delivered, thus:—

107. *The most humble answer of the Lords and Commons in Parliament to two messages from your sacred majesty concerning sir John Hotham's refusal to give your majesty entrance into the town of Hull.*

'Your majesty may be pleased to understand, that we, your Great Council, finding manifold evidences of the wicked counsels and practices of some in near trust and authority about you, to put the kingdom into a combustion by drawing your majesty into places of strength, remote from your Parliament, and by exciting your people to commotions under pretence of serving your majesty against your Parliament, lest this malignant party by the advantage of the town and magazine of Hull should be enabled to go through with their mischievous intentions, did, (in discharge of the great trust that lies upon us, and by that power which in cases of this nature

[1] ['that his,' MS.]

resides in us,) command the town of Hull to be secured by a garrison of the 1642
adjoining train-band, under the government of sir John Hotham; requiring him to keep the same for the service of your majesty and the kingdom: wherein we have done nothing contrary to your royal sovereignty in that town, or legal propriety in the magazine.

108. 'Upon consideration of sir John Hotham's proceeding at your majesty's being there, we have upon very good grounds adjudged that he could not discharge the trust upon which, nor make good the end for which, he was placed in the guard of that town and magazine, if he had let in your majesty with such counsellors and company as [were [1]] then about you.

109. 'Wherefore, upon full resolution of both Houses, we have declared sir John Hotham to be clear from that odious crime of treason, and have avowed that he hath therein done nothing but in obedience to the commands of both Houses of Parliament; assuring ourselves that, upon mature deliberation, your majesty will not interpret his obedience to such authority to be an affront to your majesty, or to be of that nature as to require any justice to be done upon him, or satisfaction to be made to your majesty: but that you will see just cause of joining with your Parliament in preserving and securing the peace of the kingdom, suppressing this wicked and malignant party, who, by false colours and pretensions of maintaining your majesty's prerogative against the Parliament, (wherein they fully agree with the rebels of Ireland,) have been the causes of all our distempers and dangers.

110. 'For prevention whereof we know no better remedy than settling the militia of the kingdom according to the bill which we have sent your majesty, without any intention of deserting or declining the validity or observance of that ordinance which passed both Houses upon your majesty's former refusal, but we still hold that ordinance to be effectual by the laws of this kingdom. And we shall be exceeding glad if your majesty, by approving these our just, dutiful, and necessary proceedings, shall be pleased to entertain such counsel as we assure ourselves, by God's blessing, will prove very advantageous for the honour and greatness of your majesty, the safety and peace of your people; amongst which we know none more likely to produce such good effects than a declaration from your majesty of your purpose to lay aside all thoughts of going into Ireland, and to make a speedy return into these parts, to be near your Parliament. Which as it is our most humble desire and earnest petition, so shall it be seconded with our most dutiful care for the safety of your royal person, and constant prayers that it may prove honourable and successful in the happiness of your majesty and all your kingdoms.'

111. To this answer, with all formality delivered to his majesty by the committee, the King returned a quick reply, that

'He had been in good hope that the reason why they had so long deferred their answer to his messages concerning Hull had been that they might the better have given him satisfaction therein, which now added the more

[1] ['was,' MS.]

1642 astonishment, finding their answer, after so long advisement, to be of that nature which could not but rather increase than diminish the present distractions, if constantly adhered to by the Parliament.' He asked them, 'whether it was not too much that his town of Hull had a garrison put into it, to the great charge of the county and inconvenience to the poor inhabitants, without his consent and approbation, under colour at that time of foreign invasion and apprehensions of the Popish party, but that now the reasons thereof should be enlarged with a scandal to his majesty and his faithful servants, only to bring in the more specious pretext for the avowing sir John Hotham's insolence and treason?'

112. He said, 'he had often heard of the great trust that by the law of God and man was committed to the King for the defence and safety of his people, but as yet he never understood what trust or power was committed to either or both Houses of Parliament without the King; they being summoned to counsel and advise the King. But by what law or authority they possess themselves of his majesty's proper right and inheritance, he was confident that as they had not, so they could not shew.' He told them that 'he had not hitherto given the least interruption to public justice; but they, rather than suffer one of their members to come so much as to a legal trial for the highest crime, would make use of an order of Parliament to countenance treason, by declaring him free from that guilt which all former ages never accounted other; and that without so much as inquiring the opinion of the judges; for he was confident they would have mentioned their opinion if they had asked it.

113. 'Therefore he expected, that upon further and better consideration of the great and necessary consequence of the business of Hull, and seriously weighing how much it did concern the peace and quiet of the kingdom, they would, without farther instance from his majesty, give him full and speedy justice against sir John Hotham. And,' he said, 'he would leave all his good people to think what hope of justice there was left for them, when they refused or delayed to give their own sovereign satisfaction. And, as he had already said, till that should be done, he would intend no business whatsoever, other than that of Ireland.

114. 'And,' he said, 'he likewise expected that they would not put the militia in execution until they could shew him by what law they had authority to do the same without his consent; or if they did, he was confident that he should find much more obedience according to law than they would do against law. And he should esteem all those who should obey them therein to be disturbers of the peace of the kingdom, and would in due season call them to a legal account for the same.

115. 'Concerning his return,' he told them, 'he never heard that the slandering of a king's government and his faithful servants, the refusing of him justice, and in a case of treason, and the seeking to take away his undoubted and legal authority, under the pretence of putting the kingdom into a posture of defence, were arguments to induce a king to come near, or hearken to, his Parliament.'

116. The King despatched this answer the sooner that the country might be freed from the impression the presence and

activity of the committee made in them, but when he delivered 1642
it to them, and required them to make all convenient haste with it to the Houses, they told him, 'they would send it by an express, but that themselves were required and appointed to reside still at York.' The King told them that 'he liked not to have such supervisors near him, and wished them to be very careful in their carriage; that the country was visibly then very well affected, and if he found any declension, he well knew to whom to impute it, and should be compelled to proceed in another manner against them than, with reference to their persons,' (for they were all then reputed moderate men, and had not been thought disaffected to the government of the Church or State,) 'he should be willing to do.' They answered, with a sullen confidence, that 'they should demean themselves according to their instructions, and would perform the trust reposed in them by the two Houses of Parliament.' Yet such was the ticklishness of the King's condition, that, though it was most evident that their coming and staying there was to pervert and corrupt the loyalty and affections of those parts, and to infuse into them inclinations contrary to their allegiance, it was not thought counsellable at that time either to commit them to prison, or to expel them from that city, or to inhibit them the freedom of his own Court and presence; and so they continued for the space of above a month in York, even in defiance of the King [1].

[1] The following account of the passages narrated in §§ 31–35 follows here in the *History*, pp. 160–162, but is struck out :—

1. 'About this time, or a little before, there was an accident, which, though no man could conceive begat the present distempers, many thought did improve them, added fuel to that fire which otherwise possibly might not have blazed so soon, or in so great a flame. It is remembered that at the King's going to Hampton Court in January before, he sent to the earls of Essex and Holland to attend him, and that they both refused, that is, neglected, to wait on him[1]. During the time that he stayed at Windsor, nor till the Queen was shipped from Dover, neither of them came near him. That day he rested at Greenwich, in his way to the north, they came to him, and stayed three or four hours, and returned to Whitehall, where their tables at the King's charge, belonging to their places, were kept, and those especially (if not only) entertained at those tables who were most factious and seditious against the King; and their lordships, in all those

[1] [See book IV, § 196.]

1642 117. The militia was the argument which they found made deepest impression in the people, being totally ignorant what it

conclusions by which the sovereign power was most wounded and contemned, gave their full suffrages. The King being resolved to free himself from the ignominy of such retainers, or at least to reduce them to some formality of duty, shortly after his coming to York, to which place he had adjourned the solemnization of St. George's feast, when he meant (and accordingly did) install his younger son, the duke of York, a knight of that order, his majesty by special letters required the earl of Essex, the Lord Chamberlain of his Household, and the earl of Holland, the first Gentleman of his Bedchamber and Groom of his Stool, to be present at that ceremony, whither both their places and relations required them. Whether they in truth feared any design or attempt upon their persons, which is hardly credible, or (which is more probable) whether they were so conscious of their miscarriages, that they should be displaced if they went, and so would be sure not to lose the favour of King and Parliament at once, or (which is most likely) that they were at this time so far interessed and engaged with the powerful faction, (who knew well to work by degrees upon their several vanities and infirmities,) that they could not safely retire; they both resolved not to yield obedience to the just summons they had received, but, acquainting the House therewith, for their excuse procured an absolute inhibition, and to be commanded not to desert the service of that House to attend upon the King, who might better dispense with them. Hereupon the King, being not disappointed in his expectation, sent a letter to the Lord Keeper in his own hand, with another enclosed to each of the earls, by which he required them forthwith to come to him, and, in case of refusal, to deliver the ensigns of their offices to the Lord Keeper, who was likewise required to receive the same. The fearful Keeper (whose foundations of courage and reason were strangely shaken) durst not adventure the delivery of the letters, but pretended that it would be interpreted in him a breach of privilege, being a member of that House, and upon that pretence wrote to the King to be excused. But the King would not be thereby drawn to waive his resolution, and therefore sent an express command to his faithful secretary, the lord Falkland, to perform that which the other refused; who, without any hesitation, being a most punctual man in his duty, though he was nothing glad of the employment, both as he thought it might inflame the present distemper and as in his nature he abhorred the doing an unkind or unacceptable thing to any man, delivered the letters; and, after two or three hours' consideration between themselves, both the lords delivered him the badges of their several offices, the one his staff, the other his key, and so went without those ensigns, which were easily missed, into the House of Peers. Great fury and dislike were presently expressed that the King should put marks of his displeasure upon any persons so eminently in their favour, and a conference desired with the Commons upon a matter of great importance, and highly concerning the honour and privilege of Parliament; where the Lords declared, that the King had displaced two great officers only for their affection and fidelity to the service of the commonwealth, and that they were to be looked upon as

was, or what the consequence of it might be; and so believing 1642
whatsoever they told them concerning it. And therefore they

men suffering for doing their duty; and therefore they had voted (in which they desired the concurrence of the Commons) that the displacing those great lords from their offices was an effect of evil counsel, and, being apparently done because they would not desert the service of the House, was a breach of the privilege of Parliament; and that whosoever should presume to take either of those offices was an enemy to the commonwealth, and should be held unworthy of any preferment or place of honour in the kingdom. The Commons made no scruple of concurring, and, according to their usual course in matters of censure, added, that whosoever gave the King that pernicious counsel to remove those lords were enemies to the commonwealth, and should be removed from being near or about his majesty's person. And because the frequent discoursing of *evil counsellors* carried not that terror with it as they expected, they appointed a solemn day upon which they would name those they conceived (for conceit was enough) to be those evil counsellors, that they might be disabled from doing any farther mischief. Very many who stood at the nearest distance, and observed the arts and industry that were used to corrupt the affections and to pervert the understandings of the weak, and to heighten the malice and rancour of the wilful, were very sorry for the displacing those two lords, especially the earl of Essex, at that time, believing that it would make him the more capable of being applied to some services against the King which he would else be drawn very hardly to. And the truth is, the violent and governing party, though they seemed very angry, were very much pleased with the accident, imagining that his proud nature would be easily whetted and inflamed to such an indignation that he would henceforward stick at nothing. And it did prove of sovereign use to them, his lordship seeming to believe that the discharging him from his place was the absolving him from any obligation of affection or tenderness at the least to the King's service. And many who were avowed and professed enemies to the whole course of his friendships and correspondencies, were then, and have been since, persuaded, that if he had been still suffered to have walked with that staff he would never have rid in those errands he afterwards did; and whilst he had been trusted with the guard of his majesty's person, which he well understood his office to be, that it would not have been possible to have engaged him in the leading an army against him: and then, I am persuaded, how many soever they have since bred up to lead their armies, there was none that at that time could have raised one for them but the earl of Essex. On the other side, they who only looked upon the bold scandals that were every day raised and countenanced, and the disservice that was every day done to his majesty, and observed those two lords to be not only constant concurrers but active and stirring promoters of the same, thought the King in policy, that his other servants might not by their examples be taught to tread in their paths, (the common disease then of the Court,) and in honour, obliged to remove those whom he could not reform, that he might not be thought insensible of the affronts and indignities offered to him; and rather wondered that he did it no sooner than

1642 resolved to drive that nail home; and though, for want of their imminent danger, and during the time of the King's treaty and overture of a bill, they had forborne the execution of their ordinance, yet the frequent musters of volunteers without order, almost in all counties, by the bare authority of their votes, gave them sufficient evidence how open the people were to their commands; at least, how unprepared authority was to resist and oppose them. And therefore, after the King had displaced their favourites, and refused to pass the bill for the militia, and sir John Hotham had refused to let the King come into the town of Hull, and they had justified him for so doing,

May 3, 4[1]. they prepared a Declaration concerning the whole state of the militia, as the resolution of the Lords and Commons upon that matter, in which they said,

118. 'That, holding it necessary for the peace and safety of the kingdom to settle the militia thereof, they had for that purpose prepared an ordinance of Parliament, and with all humility had presented the same to his majesty for his royal assent: who, notwithstanding the faithful advice of his Parliament, and the several reasons offered by them of the necessity thereof for the securing of his majesty's person and the peace and safety of his people, did refuse to give his consent; and thereupon they were necessitated, in discharge of the trust reposed in them as the representative body of the kingdom, to make an ordinance by the authority of both Houses to settle the militia, warranted thereunto by the fundamental laws of the land. That his majesty, taking notice thereof, did by several

that he did it then. So different were the observations and judgments of men of the same affections and equal understandings.

2. 'It may be wondered, that neither then nor upon many other occasions, when the Houses seemed highly inflamed with *evil counsellors*, and appointed set days for the naming of [them], that they never proceeded in that work; especially after they well enough knew the persons who were not of their opinions, and had interest enough to cross their designs, and the courage to contemn them, and when they had resolved that without any allegation of a particular crime their general diffidence (that is, their not confiding) in a man was argument enough to remove him from any office or trust; but their true reason of not daring to meddle with that general of naming *evil counsellors* was their great care of preserving marquis Hambleton, whom, they discovered, some (who meant to give shrewd and experimental reasons, not easy to be answered or avoided) resolved to name; and so they waived the general, till some particular accident, how light soever, (as in the absurd, unparalleled case of the duke of Richmond), gave them opportunity to be revenged on him whom they desired to destroy.'

[1] [Ordered to be printed May 5.]

messages invite them to settle the same by Act of Parliament; affirming 1642
in his message sent in answer to the petition of both Houses presented to his majesty at York, March 26, that he always thought it necessary the same should be settled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not standing with his honour to consent to, and that himself was excluded in the execution, and for a time unlimited: whereupon the Lords and Commons, being desirous to give his majesty all satisfaction that might be, even to the least tittle of form and circumstances, and when his majesty had pleased to offer them a bill ready drawn, had, for no other cause than to manifest their hearty affection to comply with his majesty's desires and obtain his consent, entertained the same, in[1] the mean time no way declining their ordinance; and, to express their earnest zeal to correspond with his majesty's desire, (in all things that might consist with the peace and safety of the kingdom, and the trust reposed in them,) did pass that bill, and therein omitted the preamble inserted before the ordinance, limited the time to less than two years, and confined the authority of the lieutenants to these three particulars, namely, rebellion, insurrection, and foreign invasion, and returned the same to his majesty for his royal assent. But all these expressions of fidelity and loyalty, all those desires and earnest endeavours to comply with his majesty, had (to their great grief and sorrow,) produced no better effects than an absolute denial even of that which his majesty by his former messages, as they conceived, had promised: the advice of evil and wicked councils receiving still more credit with him than that of his Great Council of Parliament, in a matter of so high importance that the safety of his kingdom and peace of his people depended upon it.

119. 'But now, what must be the exception to that bill? Not any sure that was to the ordinance; for a care had been taken to give satisfaction in all those particulars. Then the exception was, because that the disposing and execution thereof was referred to both Houses of Parliament, and his majesty excluded; and now, that by the bill the power and execution was ascertained and reduced to particulars, and the law of the realm made the rule thereof, his majesty would not trust the persons. The power was too great, too unlimited, to trust them with. But what was that power? Was it any other but, in express terms, to suppress rebellion, insurrection, and foreign invasion? And who were those persons? Were not they such as were nominated by the Great Council of the kingdom, and assented to by his majesty? And was it too great a power to trust those persons with, the suppression of rebellion, insurrection, and foreign invasion? Surely,' they said, 'the most wicked of them who advised his majesty to that answer could not suggest but that it was necessary for the safety of his majesty's royal person, and the peace of the kingdom, such a power should be put in some hands; and there was no pretence for exception to the persons.' They said, 'his majesty had, for the space of above fifteen years together, not thought a power far exceeding that to be too great to intrust particular persons with, to whose will the lives and liberties of his people by martial laws were made subject; for such

[1] ['and in,' MS.]

1642 was the power given to lord lieutenants and deputy lieutenants in every county of this kingdom, and that without the consent of the people or authority of law. But now in case of extreme necessity, upon the advice of both Houses of Parliament, for no longer space than two years, a lesser power, and that for the safety of King and people, was thought too great to trust particular persons with, though named by both Houses of Parliament and approved of by his majesty himself. And surely, if there were a necessity to settle the militia, (which his majesty was pleased to confess,) the persons could not be intrusted with less power than that, to have it effectual. And the precedents of former ages, when there happened a necessity to raise such a power, never straitened that power to a narrower compass; witness the commissions of array in several kings' reigns, and often issued out by the consent and authority of Parliament.

120. 'The Lords and Commons therefore, intrusted with the safety of the kingdom and peace of the people, (which they called God to witness was their only aim,) finding themselves denied those their so necessary and just demands, and that they could never be discharged before God or man if they should suffer the safety of the kingdom and peace of the people to be exposed to the malice of the malignant party at home or the fury of enemies from abroad, and knowing no other way to encounter the imminent and approaching danger but by putting the people into a fit posture of defence, did resolve to put their said ordinance in present execution; and did require all persons in authority, by virtue of the said ordinance, forthwith to put the same in execution, and all others to obey it, according to the fundamental laws of the kingdom in such cases, as they tendered the upholding of the true Protestant religion, the safety of his majesty's person and his royal posterity, the peace of the kingdom, and the being of this commonwealth.'

This Declaration (being in answer to a message from his majesty) was printed, and with the usual care and dexterity dispersed throughout the kingdom, without so much as sending it to the King; and thereupon warrants and directions issued into all parts for the exercising the militia.

121. This being the first Declaration they had in plain terms published against the King, without ever communicating it or presenting it to him, as they had done all the rest, his majesty was the more troubled how to take notice of it; but conceiving it necessary to apply some antidote to this poison, the violent operation whereof he had reason to apprehend, he published a Declaration[1] by way of answer to that Declaration, in which he said that

122. 'He very well understood how much it was below the high and royal dignity wherein God had placed him to take notice [of], much more to trouble himself with answering, those many scandalous seditious pam-

[1] [Printed at London, without the printer's name, May 23.]

phlets and printed papers which were scattered with such great license throughout the kingdom, (notwithstanding his majesty's earnest desire, so often in vain pressed, for a reformation,) though he found it evident that the minds of many of his weak subjects had been, and still were, poisoned by those means, and that so general a terror had possessed the minds and hearts of all men that, whilst the presses swarmed, and every day produced new tracts against the established government of the Church and State, most men wanted the courage or the conscience to write, or the opportunity and encouragement to publish, such composed sober animadversions as might either preserve the minds of his good subjects from such infection or restore and recover them when they were so infected: but,' his majesty said, 'he was contented to let himself fall to any office that might undeceive his people, and to take more pains that way by his own pen than ever king had done, when he found any thing that seemed to carry the reputation and authority of either or both Houses of Parliament, and would not have the same refuted or disputed by vulgar and common pens, till he should be throughly informed whether those acts had in truth that countenance and warrant they pretend: which regard of his, his majesty doubted not but in time would recover that due reverence (the absence whereof he had too much reason to complain [of]) to his person and his messages which in all ages had been paid, (and no doubt was due) to the Crown of England. 1642

123. He said, 'he had therefore taken notice of a printed paper entitled, *A Declaration of both Houses*[1], in answer to his last message concerning the militia, published by command; the which he was unwilling to believe (both for the matter of it, the expressions in it, and the manner of publishing it) could result from the consent of both Houses; neither did his majesty know by what lawful command such uncomely irreverent mention of him could be published to the world: and though Declarations of that kind had of late with too much boldness broken in upon his majesty and the whole kingdom, when one or both Houses had thought fit to communicate their counsels and resolutions to the people, yet,' he said, 'he was unwilling to believe that such a Declaration as that could be published in answer to his message without vouchsafing at least to send it to his majesty as their answer: their business, for which they were met by his writ and authority, being to counsel him for the good of his people, not to write against him to his people; nor had any consent of his majesty for their long continuing together enabled them to do any thing but what they were first summoned by his writ to do. At least, he would believe, though misunderstanding and jealousy (—the justice of God,' he said, 'would overtake the fomenters of that jealousy, and the promoters and contrivers of that misunderstanding—) might produce, to say no worse, those very untoward expressions, that if those Houses had contrived that Declaration as an answer to his message, they would have vouchsafed some answer to the questions proposed in his, which he professed did, and must evidently,

[1] [The exact title is: *The Declaration of the Lords and Commons in Parliament assembled concerning his maiesties severall messages about the militia*; London: printed for Edward Blackmore.]

1642 prevail over his understanding, and, in their wisdom and gravity, they would have been sure to have stated the matters of fact as (at least to ordinary understandings) might be unquestionable; neither of which was done by that Declaration.

124. 'His majesty had desired to know why he was by that act absolutely excluded from any power or authority in the execution of the militia: and,' he said, 'he must appeal to all the world whether such an attempt were not a greater and juster ground for fear and jealousy in him, than any one that was avowed for those destructive fears and jealousies which were so publicly owned, almost to the ruin of the kingdom. But his majesty had been told that he must not be jealous of his Great Council of both Houses of Parliament.' He said, 'he was not, no more than they were of his majesty, their King; and hitherto they had not avowed any jealousy of or disaffection to his person, but imputed all to his evil counsellors, to a malignant party, that was not of their minds; so his majesty did (and,' he said, 'he did it from his soul) profess no jealousy of his Parliament, but of some turbulent, seditious, and ambitious natures, which, being not so clearly discerned, might have an influence even upon the actions of both Houses: and if that Declaration had passed by that consent, (which he was not willing to believe),' he said, 'it was not impossible but that the apprehension of such tumults, which had driven his majesty from his city of London for the safety of his person, might make such an impression upon other men, not able to remove from the danger, to make them consent, or not to own a dissent, in matters not agreeable to their conscience or understanding.'

125. He said, 'he had mentioned in that his answer his dislike of putting their names out of the bill whom before they recommended to his majesty in their pretended ordinance, and the leaving out by special provision the present lord mayor of London: to all which the Declaration afforded no answer; and therefore he could not suppose it was intended for an answer to that his message, which whosoever looked upon would find to be in no degree answered by that Declaration; but it informed all his majesty's subjects, after the mention with what humility the ordinance was prepared and presented to his majesty, (a matter very evident in the petitions and messages concerning it,) and his refusal to give his consent, notwithstanding the several reasons offered of the necessity thereof, for the securing of his person and the peace and safety of his people, (—whether any such reasons were given, the weight of them, and whether they were not clearly and candidly answered by his majesty, the world would easily judge,—) that they were at last necessitated to make an ordinance by authority of both Houses to settle the militia, warranted thereunto by the fundamental laws of the land. But,' his majesty said, 'if that Declaration had indeed intended to have answered him, it would have told his good subjects what those fundamental laws of the land were and where to be found; and would at least have mentioned one ordinance, from the first beginning of Parliaments to this present Parliament, which endeavoured to impose any thing upon the subject without the King's consent; for of such,' he said, 'all the inquiry he could make could never produce him one instance. And if there were such a secret of the law, which had lain hid from the beginning of the

world to that time, and now was discovered to take away the just legal power of the king, he wished there were not some other secret (to be discovered when they pleased) for the ruin and destruction of the liberty of the subject. For,' he said, 'there was no doubt if the votes of both Houses had any such authority to make a new law, it had the same authority to repeal the old; and then, what would become of the long established rights of the king and subject, and particularly of Magna Charta, would be easily discerned by the most ordinary understanding.' 1642

126. He said, 'it was true, that he had (out of the tenderness of the constitution of the kingdom and care of the law which he was bound to defend, and being most assured of the unjustifiableness of the pretended ordinance) invited and desired both Houses of Parliament to settle whatsoever should be fit of that nature by Act of Parliament. But was he therefore obliged to pass whatsoever should be brought to him of that kind? He did say in his answer to the petition of both Houses presented to him at York the 26th of March last, (and he had said the same in other messages before,) that he always thought it necessary the business of the militia should be settled, and that he never denied the thing, only denied the way; and he said the same still; and that, since the many disputes and votes upon lords lieutenants and their commissions, (which had not been begun by his majesty nor his father,) had so discountenanced that authority which for many years together was looked upon with reverence and obedience by the people, his majesty did think it very necessary that some wholesome law should be provided for that business; but he had declared in his answer to the pretended ordinance, that he expected that that necessary power should be first invested in his majesty before he consented to transfer it to other men; neither could it ever be imagined that he would consent that a greater power should be in the hands of a subject than he was thought worthy to be trusted with himself. And if it should not be thought fit to make a new Act or Declaration in the point of the militia, he doubted not but he should be able to grant such commissions as should very legally enable those he trusted to do all offices for the peace and quiet of the kingdom, if any disturbance should happen.

127. 'But it was said, he had been pleased to offer them a bill ready drawn, and that they, (to express their earnest zeal to correspond with his desire,) did pass that bill; and yet all that expression of affection and loyalty, all that earnest desire of theirs to comply with his majesty, produced no better effect than an absolute denial, even of what by his former messages his majesty had promised; and so,' he said, 'that Declaration proceeded, (under the pretence of mentioning evil and wicked councils,) to censure and reproach his majesty in a dialect that he was confident his good subjects would read on his behalf with much indignation. But,' his majesty said, sure if that Declaration had passed the examination of both Houses of Parliament, they would never have affirmed that the bill he had refused to pass was the same he had sent to them, or have thought that his message, wherein the difference and contrariety between the two bills was so particularly set down, would be answered with the bare averring them to be one and the same bill: nor would they have declared, when his exceptions to the ordinance and the bill were so notoriously known to all, that,

1642 care being taken to give satisfaction in all the particulars he had excepted against in the ordinance, he had found new exceptions to the bill. And yet that very Declaration confessed that his exception to the ordinance was, that in the disposing and execution thereof his majesty was excluded: and was not that an express reason in his answer for his refusal of the bill, which that Declaration would needs confute?

128. 'But the power was no other than to suppress rebellion, insurrection, and foreign invasion; and the persons trusted no other than such as were nominated by the Great Council of the kingdom and assented to by his majesty: and they asked, if that were too great a power to trust those persons with? Indeed,' his majesty said, 'whilst so great liberty was used in voting and declaring men to be *enemies to the commonwealth*, (a phrase his majesty scarce understood,) and in censuring men for their service and attendance upon his majesty's person and in his lawful commands, great heed must be taken into what hands he committed such a power to suppress insurrection and rebellion; and if insurrection and rebellion had found other definitions than what the law had given, his majesty must be sure that no lawful power should justify those definitions: and if there were learning found out to make sir John Hotham's taking arms against him, and keeping his majesty's town and fort from him, to be no treason or rebellion, he knew not whether a new discovery might not find it rebellion in his majesty to defend himself from such arms, and to endeavour to recover what was so taken from him; and therefore,' he said, 'it concerned him, (till the known laws of the land were allowed to be judge between them,) to take heed into what hands he committed such power.

129. 'Besides,' he asked, 'whether it could be thought, that, because he was willing to trust certain persons, he[1] was obliged to trust them in whatsoever they were willing to be trusted?' He said, 'no private hands were fit for such a trust; neither had he departed from any thing in the least degree he had offered or promised before; though he might with as much reason have withdrawn his trust from some persons whom before he had accepted, as they had done from others whom they had recommended. For the power which he was charged to have committed to particular persons for the space of fifteen years by his commissions of lieutenancy, it was notoriously known that it was not a power created by his majesty, but continued very many years, and in the most happy times this kingdom had enjoyed, (even those of his renowned predecessors queen Elizabeth and his father of happy memory;) and whatever authority had been granted by those commissions, which had been kept in the old forms, the same was determinable at his majesty's pleasure; and he knew not that they produced any of those calamities, which might give his good subjects cause to be so weary of them as to run the hazard of so much mischieve as that bill which he had refused might possibly have produced.

130. 'For the precedents of former ages in the commissions of array, his majesty doubted not but, when any such had issued out, that the King's consent was always obtained, and the commissions determinable at his pleasure; and then what the extent of power was would be nothing applicable to that case of the ordinance.

[1] ['that he,' MS.]

131. 'But whether that Declaration had refuted his majesty's reasons for his refusal to pass the bill or no, it resolved, and required all persons in authority thereby, to put the ordinance in present execution, and all others to obey it according to the fundamental laws of the land. But,' his majesty said, 'he, whom God had trusted to maintain and defend those fundamental laws, (which he hoped God would bless to secure him,) did declare that there was no legal power in either or both Houses, upon any pretence whatsoever, without his majesty's consent, to command any part of the militia of the kingdom; nor had the like ever been commanded by either or both Houses since the first foundation of the laws of the land; and that the execution of, or the obedience to, that pretended ordinance was against the fundamental laws of the land, against the liberty of the subject and the right of Parliaments, and a high crime in any that should execute the same: and his majesty did therefore charge and command all his loving subjects, of what degree or quality soever, upon their allegiance, and as they tendered the peace of the kingdom, from thenceforth not to muster, levy, or array, or summon or warn any of the train-bands to rise, muster, or march, by virtue or under colour of that pretended ordinance: and to that declaration and command of his majesty's,' he said, 'he expected and required a full submission and obedience from all his loving subjects, upon their allegiance, as they would answer the contrary at their perils, and as they tendered the upholding of the true Protestant religion, the safety of his person and his royal posterity, the peace and being of the kingdom.' 1642

132. Notwithstanding these sharp Declarations, (infallible symptoms of sharper actions,) which were with equal diligence dispersed by either side amongst the people, (save that the agents for the Parliament took as much care to suppress the King's as to publish their own, whereas the King's desire was that they might be both impartially read and examined, and to that purpose always caused those from the Parliament to be printed with his own,) they had the power and skill to persuade men who but by that persuasion could not have been seduced, and without seducing of whom they could have made a very sorry progress in mischieve, that all would be well; that they were well assured that the King would in the end yield to what they desired; at least, that they should prevail for a good part, if not for all, and that there should be no war: though themselves well knew that the fire was too much kindled to be extinguished without a flame, and made preparations accordingly. For the raising and procuring of money (besides the vast sums collected and contributed for Ireland, which they disbursed very leisurely, the supplies for that kingdom, notwith-

1642 standing the importunity and complaint from thence, being not despatched thither both in quantity and quality with that expedition as was pretended) they sent out very strict warrants
May 11. for the gathering all those sums of money which had been
June 9. granted by any bills of subsidy or poll-bill; in the collection of all which there had been great negligence, probably that they might have it the more at their own disposal in their need; by which they now recovered great sums into their hands. For the raising of men, (though it was not yet time for them to avow the raising an army,) besides the disposing the whole kingdom to subject themselves to their ordinance of the militia, and, by that, listing in all places companies of volunteers, who would be ready when they called, they made more haste than they had done in the levies of men, both horse and foot, for the relief of Ireland, under officers chosen or approved by
June 21. themselves; and proposed the raising an army apart, of six or eight thousand, under the command of the lord Wharton, (a man very fast to them,) for Munster, under the style of *the Adventurers' Army*, and to have no dependence upon, or to be subject to, the Lord Lieutenant of Ireland, but only to receive orders from the two Houses, and from a committee to be appointed by them which should be always with that army: but the King, easily discerning the consequence of that design, refused to grant such a commission as they desired; so that they were forced to be content only with the advantage of new exclamations against the King for hindering the supplies for Ireland, upon the occasion of his denial of that unreasonable commission, and to proceed in their levies the ordinary way; which they did with great expedition.

133. To confirm and encourage the factious and schismatical party of the kingdom, which thought the pace towards the reformation was not brisk and furious enough, and was with
April 8. great difficulty contained in so slow a march, they had, a little before, published a Declaration

'That they intended a due and necessary reformation of the government and liturgy of the Church, and to take away nothing in the one or the other but what should be evil and justly offensive, or at least unnecessary and burdensome: and for the better effecting thereof, speedily to have con-

sultation with godly and learned divines: and because that would never of itself attain the end sought therein, they would therefore use their utmost endeavours to establish learned and preaching ministers, with a good and sufficient maintenance, throughout the whole kingdom, wherein many dark corners were miserably destitute of the means of salvation, and many poor ministers wanted necessary provision.' 1642

134. This Declaration, printed, and appointed to be published by the shriefs in their several counties, in all the market-towns within the kingdom of England and dominion of Wales, was not more intended to the heartening of those who were impatient for a reformation, (who in truth had so implicit a faith in their leaders that they expected another manner of reformation than was publicly promised,) than to the lulling those asleep who began to be awake with the apprehension of that confusion they apprehended from the practice and license they saw practised against the received government and doctrine of the Church, and to be persuaded that it was time to oppose that current. And in this project they were not disappointed: for though this warily worded Declaration was evidence enough to wise men what they intended, and logically comprehended an alteration as great as hath been since attempted and made, yet to lazy and quiet men, who could not discern consequences, and were not willing to antedate their miseries by suspecting worse was to come than they felt or saw in their view, their fears were much abated, and the intentions of the Parliament seemed not so bad as they had been told by some that they were. And as this very declaration of a due reformation to be made of the government of the Church and the liturgy would a year before have given great umbrage and scandal to the people, when generally there was a due submission to the government, and a singular reverence of the liturgy, of the Church of England; so now, when there was a general fear and apprehension inculcated into them of a purpose utterly to subvert the government and utterly to abolish the liturgy, they thought the taking away nothing in the one or the other but what should be evil and justly offensive, or at least unnecessary and burdensome, was an easy composition; and so by degrees they suffered themselves to be still prevailed on towards

1642 ends they extremely abhorred; and what at first seemed profane and impious unto them in a little time appeared only inconvenient, and what in the beginning they thought matter of conscience and religion, shortly after they looked upon as somewhat rather to be wished than positively insisted on, and consequently not to be laid in the balance with the public peace, which they would imagine to be endangered by opposing the sense that then prevailed; and so, by undervaluing many particulars, (which they truly esteemed,) as rather to be consented to than that the general should suffer, they brought, or suffered the public to be brought to, all the sufferings it hath since underwent.

135. And now they shewed what consultation they meant to have with godly and learned divines, and what reformation
Feb. 12. they intended, by appointing the knights and burgesses to
April 12. bring in the names of such divines for the several counties as they thought fit to constitute an Assembly for the framing a new model for the government of the Church, which was done accordingly; those who were true sons of the Church not so much as endeavouring the nomination of sober and learned men, abhorring such a reformation, as begun with the invasion and suppression of the Church's rights in calling a synod, as well known as Magna Charta: and if any well affected member, not enough considering the scandal and the consequence of that violation, did name an orthodox and well reputed divine to assist in that Assembly, it was argument enough against him
April 25. that he was nominated by a person in whom they had no confidence; and they only had reputation enough to commend to this consultation who were known to desire the utter demolishing of the whole fabric of the Church: so that of about one hundred and twenty, of which that Assembly was to consist, (though, by the recommendation of two or three members of the Commons whom they were not willing to displease, and by
May 26. the authority of the Lords, who added a small number to those named by the House of Commons, a few very reverend and worthy men were inserted[1]; yet of the whole number,) there

[1] [Amongst these were Drs. Hammond and Holdsworth.]

were not above twenty who were not declared and avowed enemies to the doctrine or discipline of the Church of England; many of them infamous in their lives and conversations, and most of them of very mean parts in learning, if not of scandalous ignorance, and of no other reputation than of malice to the Church of England; so that that convention hath not since produced any thing that might not then reasonably have been expected from it. 1642

136. But that which gave greatest power and strength to their growing faction was the severity they used against all those, of what quality or degree soever, who opposed their counsels and proceedings. If any lord who had any place of honour or trust from the King concurred not with them, they made an inquisition into the whole passages of his life; and if they could find no fault or no folly (for any levity or indiscretion served for a charge) to reproach him with, it was enough that 'they could not confide in him.' So they threatened the earl of Portland, who with extraordinary vivacity crossed their consultations, that they would remove him from his charge and government of the Isle of Wight, (which, at last, they did *de facto* by committing him to prison, without so much as assigning a cause [1],) and to that purpose objected all the acts of good fellowship, all the waste of powder, and all the waste of wine in the drinking of healths, and other acts of jollity, whenever he had been at his government, from the first hour of his entering upon it. So that the least inconvenience a man in their disfavour was to expect was to have his name and reputation used for two or three hours in the House of Commons with what license and virulency they pleased. None were persecuted with more rigour than the clergy; whereof whosoever publicly or privately censured their actions, or suspected their intentions, was either committed to prison or compelled to a chargeable and long attendance, as inconvenient as imprisonment. And this measure of proceeding was equally, if not with more animosity, applied to those who in former times had been looked

1641. Nov. 17, 18.

1642. Aug. 8.

[1] [They assigned as the reason that he was 'guilty of knowing of the business' (of the delivering up to the King) 'of Portsmouth.']

1642 upon by that party with most reverence. On the contrary[1], whoever concurred, voted, and sided with them, in their extravagant conclusions, let the infamy of his former life or present practice be what it would, his injustice and oppression never so scandalous and notorious, he was received, countenanced, and protected, with marvellous demonstrations of affections. So that, between those that loved them and those that feared them, those that did not love the Church and those that did not love some churchmen, those whom the Court had oppressed and those who had helped the Court to oppress others, those who feared their power and those who feared their justice, their party was grown over the kingdom, but especially in the city, justly formidable.

137. In the mean time the King omitted no opportunity to provide against the storm he saw was coming, and, though he might not yet own the apprehension of that danger he really found himself in, he neglected not the provision of what he thought most necessary for his defence; he caused all his declarations, messages, and answers, to be industriously communicated throughout his dominions; of which he found good effects, and by their reception discovered that the people universally were not so irrecoverably poisoned as he before had cause to fear: he caused private intimations to be given and insinuations to be made to the gentry that their presence would be acceptable to him, and to those who came to him he used much gracious freedom, and expressed all possible demonstrations that he was glad of their attendance: so that in a short time the resort to York was very great, and at least a good face of a court there.

138. Beyond the seas, the Queen was as intent to do her part, and to provide that so good company as she heard was daily gathered together about the King should not be dissolved

[1] [The following lines are here struck out in the MS., p. 173:—

'On the contrary side, as the Church of Rome receives and allows the books of the Maccabees for canonical Scripture because the last three verses of the twelfth chapter of the second book seem to justify or commend the praying for the dead, so,' &c.]

for want of weapons to defend one another: and therefore, with as much secrecy as could be used in those cases and in those places where she had so many spies upon her, she caused, by the sale or pawning of her own and some of the crown jewels, a good quantity of powder and arms to be in a readiness in Holland against the time that it should be found necessary to transport it to his majesty. So that both sides, whilst they entertained each other with discourses of peace, which always carried a sharpness with them that whetted their appetite to war, provided for that war which they saw would not be prevented. 1642 End of May.

139. Hitherto the greatest acts of hostility (saving that at Hull) were performed by votes and orders; for there was yet no visible formal execution of the ordinance for the militia in any one county of England: for the appearance of volunteers in some factious corporations [was[1]] rather countenanced than positively directed and enjoined by the Houses, and most places pretended an authority granted by the King in the charters by which those corporations were erected or constituted. But now they thought it time to satisfy the King and the people that they were in earnest, (who were hardly persuaded that they had in truth the courage to execute their own ordinance,) and resolved that on the 10th of May they would have all the train-bands of London mustered in the fields where that exercise usually was performed; and accordingly on that day their own new officer, sergeant-major-general Skippon, appeared in Finsbury fields, with all the train-bands of London, consisting of above eight thousand soldiers, disposed into six regiments, and under such captains and colonels as they had cause to confide in. At this first triumphant muster the members of both Houses appeared in gross, there being a tent purposely set up for them, and an entertainment at the charge of the city to the value of near a thousand pound[s]; all men presuming that this example of London, with such ceremony and solemnity, would be easily followed throughout the kingdom, and many believing they had made no small progress towards the end they aimed at, by having engaged the very body of the city in a guilt equal May 9. May 10.

[1] ['were,' MS.]

1642 to their own: for though they had before sufficient evidence of the inclinations of the mean and common people to them, and reasonable assurance that those in authority would hardly be able to contain them, yet till this day they had no instance of the concurrence of the city in an act expressly unlawful.
June 3. But now they presumed all difficulties were over; and so sent their directions to the counties adjacent speedily to execute the
May 20. same ordinance, and appointed all the magazines of the several counties of England and Wales to such custody as their lord lieutenants or their deputy lieutenants should appoint; and that not only the counties should increase those magazines to what proportion soever they thought convenient, but that any private persons that were well affected should supply themselves with what arms and ammunition they pleased. By which means, besides the King's magazines, all which were in their possession, they caused great quantities of all sorts of arms to be provided, and disposed to such places and persons as they thought fittest to be trusted; especially in those factious corporations which had listed most volunteers for their service.

140. The King now saw the storm coming apace upon him;
May 27. that, notwithstanding his proclamations published against the ordinance of the militia, in which he set down the laws and statutes which were infringed thereby, and by which the execution of that ordinance would be no less than high treason, the
June 6. votes and declaration of both Houses that those proclamations were illegal, and that those Acts of Parliament could not control the acts and orders of both Houses, which the subjects were by the fundamental laws of the kingdom to obey, prevailed so far that obedience was given to them; that he was so far from being like to have Hull restored to him, that the garrison there daily increased, and forced the country to submit to such commands they pleased to lay on them, and that sir John Hotham was more likely to be able to take York than his majesty to recover Hull. He thought it therefore high time, by their example, to put himself into a posture of defence; the danger being much more imminent to his majesty than to those who had begot that ordinance. Hereupon, at a

public meeting of the country, his majesty declared, that he was 1642
resolved, in regard of the public distempers, and the neighbour- May 12.
hood of Hull, to have a guard for his person, but of such persons, and with such circumstances, as should administer no occasion of jealousy to the most suspicious; and wished the gentlemen of quality who attended, to consider and advise of the way; who shortly after (notwithstanding the opposition May 13.
given by the committee, which still resided there, and the factious party of the county, which was inflamed and governed by them) expressed a great alacrity to comply with his majesty's desire in whatsoever should be proposed to them, and a sense that they thought a sufficient guard was very necessary for the security of his majesty's person. Hereupon the King appointed such gentlemen as were willing to list themselves May 20.
into a troop of horse, and made the Prince of Wales their captain; and made choice of one regiment of the train-bands, consisting of about six hundred, whom he caused every Saturday to be paid at his own charge, when he had little more in his coffers than would defray the weekly expense of his table: and this troop with this regiment was the guard of his person; it being first declared by his majesty, 'that no person should be suffered, either in the troop or the regiment, who did not before his admission into the service take the oaths of allegiance and supremacy,' that so he might be free from the scandal of entertaining Papists for his security.

141. But this caution would not serve; the fears and jealousies were capable of no other remedies than such as were prescribed by those physicians who were practised in the disease. As soon as the intelligence was arrived at London that the King actually had a guard, (though the circumstances were as well known that were used in the raising it,) both Houses published these three votes, and dispersed them:— May 20.

142. 1. 'That it appeared that the King, seduced by wicked counsel, intended to make war against the Parliament; who, in all their consultations and actions, had proposed no other end unto themselves but the care of his kingdoms and the performance of all duty and loyalty to his person.

2. 'That whensoever the King maketh war upon the Parliament,

1642 it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of the government.

3. 'That whosoever should serve him, or assist him in such wars, are traitors by the fundamental laws of the kingdom, and have been so adjudged by two Acts of Parliament, 11 Rich. II. and 1 Hen. IV, and ought to suffer as traitors.'

May 23. 143. These lusty votes they sent to the King to York, together with a short petition, in which they told him that

144. 'His loyal subjects, the Lords and Commons in Parliament, did humbly represent unto his majesty, that notwithstanding his frequent professions to his Parliament and the kingdom that his desire and intention was only the preserving the true Protestant profession, the laws of the land, the liberty of his people, and the peace of the kingdom, nevertheless they perceived with great grief, by his speech of the 12th of May, and the paper printed in his majesty's name in the form of a proclamation, bearing date the 14th of May, and other evidences, that, under colour of raising a guard to secure his person, of which guard (considering the fidelity and care of his Parliament) there could be no use, his majesty did command troops both of horse and foot to assemble at York; the very beginnings whereof were apprehended by the inhabitants of that county to be an affrightment
May 13. and disturbance of his liege people, as appeared by their petition presented to him; the continuing and increasing of which forces was to his Parliament, and must needs be, a just cause of great jealousy, and danger to his whole kingdom.

145. 'Therefore they did humbly beseech his majesty to disband all such forces as by his command were assembled, and relying for his security (as his predecessors had done) upon the laws, and affections of his people, he would be pleased to desist from any further designs of that nature, contenting himself with his usual and ordinary guards; otherwise, they should hold themselves bound in duty towards God, and the trust reposed in them by the people, and the fundamental laws and constitutions of the kingdom, to employ their care and utmost power to secure the Parliament and to preserve the peace and quiet of the kingdom.'

146. To this petition, delivered publicly, and read with an equal confidence, by their lieger committee, his majesty answered that

147. 'He could not but extremely wonder that the causeless jealousies concerning his majesty, raised and fomented by a malignant party in the kingdom, which desired nothing more than to snatch to themselves particular advantages out of a general combustion, (which means of advantage was never ministered to them by his fault or seeking,) should not only be able to seduce a weak party in the kingdom, but seem to find so much countenance even from both Houses, as that his raising of a guard, without further design than for the safety of his person, an action so legal, in a manner so peaceable, upon causes so evident and necessary, should not only be looked upon and petitioned against by them as a cause of jealousy, but declared to be

the raising of a war against them, contrary to his former professions of his care of religion and law. And he no less wondered that that action of his should be said to be apprehended by the inhabitants of that county as an affrightment and disturbance to his people, having been as well received there as it was every where to be justified, and (he spake of the general, not of a few seduced particulars) assisted and sped by that county with that loyal affection and alacrity as was a most excellent example set to the rest of the kingdom of the care of his safety upon all occasions, and should never be forgotten by him, nor, he hoped, by his posterity, but should be ever paid to them in that which is the proper expression of a prince's gratitude, a perpetual, vigilant care to govern them justly, and to preserve the only rule by which they can be so governed, the law of the land. And,' he said, 'he was confident that if they were themselves eye-witnesses, they would so see the contrary as to give little present thanks, and hereafter little credit, to their informers; and if they had no better information and intelligence of the inclinations and affections of the rest of the kingdom, certainly the minds of his people (which to some ends and purposes they did represent) were but ill represented unto them.' 1642

148. He asked them, 'when they had so many months together not contented themselves to rely for security, (as their predecessors had done,) upon the affection of the people, but by their own single authority had raised to themselves a guard, (and that sometimes of no ordinary numbers and in no ordinary way,) and yet all those pikes and protestations, that army on one side and that navy on the other, had not persuaded his majesty [to command them [1]] to disband their forces, and to content themselves with their ordinary, that was no guard; or work in him an opinion that they appeared to levy war against him, or had any further design; how it was possible that the same persons should be so apt to suspect and condemn his majesty, who had been so unapt in the same matter, (upon much more ground,) to tax or suspect them? This,' he said, 'was his case; notwithstanding the care and fidelity of his Parliament, his fort was kept by armed men against him, his proper goods first detained from him, and then, contrary to his command, by strong hand offered to be carried away; in which, at once, all his property as a private person, all his authority as a king, was wrested from him: and yet for him to secure himself in a legal way,—that sir John Hotham might not by the same forces, or by more, raised by pretence of the same authority, (for he daily raised some, and it was no new thing for him to pretend orders which he could not shew,) continue the war that he had levied against his majesty, and as well imprison his person as detain his goods, and as well shut him up in York as shut him out of Hull,—was now said to be esteemed a cause of great jealousy to the Parliament, a raising war against them, and of danger to the whole kingdom: whilst these injustices and indignities offered to him were countenanced by them who ought to be most forward in his vindication and their punishment, in observation of their oaths and trust reposed in them by the people, and to avoid the dissolution of the present government. Upon which case,' he said, 'the whole world was to judge, whether his majesty had not reason, not wholly

[1] [These words are from the original text, as in Husband and Rushworth.]

1642 to rely upon the care and fidelity of his Parliament, being so strangely blinded by malignant spirits as not to perceive his injuries, but to take some care of his own person, and, in order to that, to make use of that authority which the laws declared to be in his majesty: and whether that petition, with such a threatening conclusion, accompanied with more threatening votes, gave him not cause rather to increase than to diminish his guards; especially since he had seen, before the petition, a printed paper, dated the 17th of May, underwritten by the clerk of the House of Commons, commanding, in the name of both Lords and Commons, the shriefs of all counties to raise the power of all those counties to suppress such of his subjects as by any of his majesty's commands should be drawn together, and put (as that paper called it) in a posture of war; charging all his majesty's officers and subjects to assist them in it, at their perils. For though,' he said, 'he could not suspect that that paper, or any bare votes not grounded upon law or reason, or quotations of repealed statutes, as those were of 11 Rich. II. and 1 Hen. IV., should have any ill influence upon his good people, who knew their duties too well not to know that to take up arms against those who upon a legal command of his majesty came together to a most legal end, (that was, his majesty's security and preservation,) was to levy war against his majesty; yet, if that paper were really the act of both Houses, he could not but look upon it as the highest of scorns and indignities, first, to issue commands of force against him, and, after those had appeared useless, to offer by petition to persuade him to that which that force should have effected.'

149. He said, 'he concluded his answer to their petition with his counsel to them that they would join with him in exacting satisfaction for that unparalleled, and yet unpunished, action of sir John Hotham, and that they would command his fort and goods to be returned to his own hands: that they would lay down all pretences (under pretence of necessity, or declaring what is law) to make laws without his majesty, and, by consequence, but a cipher of his majesty: that they would declare effectually against tumults, and call in such pamphlets, (punishing the authors and publishers of them,) as seditiously endeavour to disable his majesty from protecting his people, by weakening by false aspersions and new false doctrines his authority with them and their confidence in him: the particulars of which tumults and pamphlets,' he said, 'he would long since have taken care his learned counsel should have been enabled to give in evidence, if upon his former offer his majesty had received any return of encouragement from them in it: and,' he said, 'if they did that, they would then, and hardly till then, persuade the world that they had discharged their duty to God, the trust reposed in them by the people, and the fundamental laws and constitutions of the kingdom, and employed their care and utmost power to secure the Parliament, (for,' he said, 'he was still a part of the Parliament, and should be, till this well-tempered monarchy was turned to a democracy,) and to preserve the peace and quiet of the kingdom; which, together with the defence of the Protestant religion, the laws of the land, and his own just prerogative, (as a part of, and a defence to, those laws,) had been the main end which in his consultations and actions he had proposed to himself.'

150. It will be wondered at hereafter, that, in a judging 1642
and discerning state, where men had, or seemed to have, their faculties of reason and understanding at the height, in a kingdom then unapt and generally uninclined to war, (how wantonly soever it hath since seemed to throw away its peace,) those men who had the skill and cunning out of froward and peevish humours and indispositions to compound fears and jealousies, and to animate and inflame those fears and jealousies into the most prodigious and the boldest rebellion that any age or country ever brought forth; who very well saw and felt that the King had not only to a degree wound himself out of that labyrinth in which four months before they had involved him with their privileges, fears, and jealousies, but had even so well informed the people that they began to question both their logic and their law, and to suspect and censure the improvement and gradation of their fears, and the extent and latitude of their privileges: and that they were not only denied by the King what they required, but that the King's reasons of his denial made very many conclude the unreasonableness of their demands: I say, it may seem strange that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, 'that the King did intend to make war against the Parliament,' when they were so far from apprehending that he would be able to get an army to disturb them, that they were most assured he would not be able to get bread to sustain himself three months without submitting all his counsels to their conduct and control; and that the offering to impose it did not awaken the people to an indignation which might have confounded them. For, besides their presumption in endeavouring to search what the Scripture itself told them was unsearchable, the heart of the King[1], the very law of the land, whose defence they pretended, makes no conclusion of the intention of the meanest subject, in a matter of the highest and tenderest consideration, even treason itself against the life of the King, without some overt, unlawful act, from whence, and other circumstances, the ill intention may be reasonably made

[1] [Prov. xxv. 3.]

1642 appear; and therefore, to declare that the King intended to make war against his Parliament, when he had neither ship, harbour, arms, or money, and knew not how to get either, and when he offered to grant any thing to them which they could pretend a justifiable reason for asking, was an undertaking of that nature that even the almightiness of a Parliament might have despaired to succeed in.

151. But, notwithstanding all this, they very well knew what they did, and understood what infinite advantage that vote would (as it did) bring to them, and that a natural way would never bring them to their unnatural end. The power and reputation of Parliament, they believed, would implicitly prevail over many, and amaze and terrify others from disputing or censuring what they did and upon what grounds they did it. The difficulty was, to procure the judgment of Parliament, and to incline those different constitutions and different affections to such a concurrence as the judgment might not be discredited by the number of the dissenters, nor wounded or prejudged by the reasons and arguments given against it: and then, their judgments of the cure being to be grounded upon the nature and information of the disease, it was necessary to confine and contract their fancies and opinions within some bounds and limits: the mystery of rebellion challenging the same encouragement with other sciences, to grow by; that there may be certain *postulata*, some principles and foundations, upon which the main building may subsist. So, in the case of the militia, an imminent danger must be first supposed, by which the kingdom is in an apparent danger, and then the King's refusal to apply any remedy against that danger, before the two Houses would pretend to the power of disposing that militia; it being too ridiculous to have pretended the natural and ordinary jurisdiction over it: but, in case of danger, and danger so imminent that the usual recourse would not serve the turn, and for the saving of a kingdom which must otherwise be lost, many good men thought it was reasonable to apply a very extraordinary prevention, without imagining such a supposition might possibly engage them in any action contrary to their own inclinations; and, without doubt, very many who frankly voted

that imminent necessity, were induced to it as an argument 1642
that the King should be therefore importuned to consent to the settlement; which would not have appeared so necessary a request if the occasion had not been important; never suspecting that it would have proved an argument to them to adventure the doing it without the King's consent. And it is not here unseasonable, (how merry soever it may seem to be,) as an instance of the incogitancy and inadvertency of those kind of votes and transactions, to remember, that, the first resolution of the power of the militia being grounded upon a supposition of an imminent necessity, the ordinance first sent up from the Commons to the Lords for the execution of the militia expressed an *eminent* necessity; whereupon some lords, who understood the difference of the words, and that an *eminent* necessity might be supplied by the ordinary provision which possibly an *imminent* necessity might not safely attend, desired a conference with the Commons for the amendment; which, I remember, was at last with great difficulty consented to, many (who, I presume, are not yet grown up to conceive the difference) supposing it an unnecessary contention for a word, and so yielding to them for saving of time rather than for the moment of the thing[1].

152. They who contrived this scheme[2] never doubted that, after a resolution what was to be done upon a supposititious necessity, they would easily (when they found it convenient) make that necessity real. It was no hard matter to make the fearful apprehensive of dangers, and the jealous of designs; and they wanted not evidence of all kinds, letters from abroad and discoveries at home, to make those apprehensions formidable enough; and then, though before the resolution there was a great latitude in law and reason what was lawfully to be done, they had now forejudged themselves, and resolved of the proper remedy, except they would argue against the evidence; which usually would have been to discountenance or undervalue some person of notable reputation or his correspondence, and always to have opposed that that was of such an allay as, in truth, did

[1] ['eminent,' in Sir H. Verney's *Notes* (Camd. Soc. p. 164), on March 15; 'imminent,' in Commons' *Journals* of the same day.] [2] ['sceme,' MS.]

1642 operate upon the major part. So, in the case upon which we now discourse, if they had in the most advantageous article of their fury professed the raising an army against the King, there was yet that reverence to majesty, and that spirit of subjection and allegiance in most men, that they would have looked upon it with opposition and horror: but defensive arms were more plausible divinity; and if the King should commit such an outrage as to levy war against his Parliament, to destroy the religion, laws, and liberty of the kingdom, good men were persuaded that such a resistance might be made as might preserve the whole; and he that would have argued against this thesis, besides the impertinency of arguing against a supposition that was not like to be real, and in which the corrupt consideration of safety seemed to bribe most men, could never escape the censure of promoting tyranny and lawless dominion. Then to incline men to concur in the declaration of the 'King's intention to make war against the Parliament,' they were persuaded it might have a good, could have no ill, effect: the remedies that were to be applied upon an actual levying of war were not justifiable upon the intention; and the declaring this intention, and the dangers it carried with it to the King himself and to all those who should assist him, would be a probable means of reforming such intention and preventing the execution: inconvenience it could produce none, (for the disquieting or displeasing the King was not thought inconvenient,) if there were no progress in the supposed intention; if there were, it were fit the whole kingdom should stand upon its guard, and not be surprised to its confusion.

153. By these false and fallacious mediums the clearness of men's understandings [was [1]] dazzled, and, upon the matter, all their opinions and judgments for the future captivated and pre-engaged by their own votes and determinations. For, how easy a matter was it to make it appear to that man who consented that the King intended to make war against the Parliament, that when he should do it he had broken his oath and dissolved his government, and that whosoever should assist

[1] ['were,' MS.]

him were traitors; I say, how easy was it to persuade that man, 1642
that he was obliged to defend the Parliament, to endeavour to uphold that government, and to resist those traitors. And whosoever considers that the nature of men, especially of men in authority, is inclined rather to commit two errors than to retract one, will not marvel that from this root of unadvisedness so many and tall branches of mischieve have proceeded. And therefore it were to be wished that those who have the honour to be trusted in public consultations were endued with so much natural logic [as] to discern the consequences of every public act and conclusion, and with so much conscience and courage [as] to watch the first impressions upon [their[1]] understanding and compliance: and, neither out of the impertinency of the thing, which men are too apt to conclude, out of impatiency of despatch, or out of stratagem to make men odious, (as in this Parliament many forbore to oppose unreasonable resolutions out of an opinion that they would make the contrivers odious,) or upon any other (though seeming never so politic) considerations, consent[2] to any propositions by which truth or justice are invaded. And I am confident, with very good warrant, that many men have from their souls abhorred every article of this rebellion, and heartily deprecated the miseries and desolation we have suffered by it, who have themselves with great alacrity and some industry contributed to, if not contrived, those very votes and conclusions from whence the evils they abhor have most naturally and regularly flowed and been deduced, and which they could not reasonably, upon their own concessions, contradict and oppose.

154. But to conclude[3], a man shall not unprofitably spend his contemplation that, upon this occasion, considers the method of God's justice, (a method terribly remarkable in many passages, and upon many persons, which we shall be compelled to remember in this discourse); that the same principles, and the same application of those principles, should be used to the wresting all sovereign power from the Crown, which the Crown

[1] ['his,' MS.] [2] ['he consent,' MS.]
[3] ['this extravagancy,' *struck out in the MS.*]

1642 had a little before made use of for the extending its authority and power beyond its bounds, to the prejudice of the just rights of the subject. A supposed necessity was then thought ground enough to create a power, and a bare averment of that necessity to beget a practice, to impose what tax they thought convenient upon the subject by writs of ship-money never before known; and a supposed necessity now, and a bare averment of that necessity, is as confidently and more fatally concluded a good ground to exclude the Crown from the use of any power by an ordinance never before heard of; and the same maxim of *Salus populi suprema lex*, which had been used to the infringing the liberties of the one, made use of for the destroying the rights of the other: only that of the Psalmist[1] is yet inverted; for many of those who were the principal makers of the first pit are so far from falling into it that they have been the chiefest diggers of the second ditch in which so many have been confounded.

155. Though they had yet no real apprehension that the King would be able in the least degree to raise a force against them, yet they were heartily enraged to find that he lived more like a King than they wished he should, that there was so great resort to him from all parts, and that, whereas little more than two months before his own servants durst hardly avow the waiting on him, now the chief gentlemen of all counties travelled to him to tender their service, which implied a disapprobation at least, if not a contempt, of their carriage towards him. Therefore, to prevent this mischieve, they easily found exception to, and information against, some persons who had resorted to York, whom they sent the sergeant of the House of Commons to apprehend, and bring them before the House as delinquents, to answer such matters as should be objected against them. In this number there was one Beckwith, a gentleman of Yorkshire, who, (as sir John Hotham had sent them word,) had endeavoured to corrupt some officers of the garrison to deliver Hull up to the King; this they declared to be a very heinous crime, and
May 27. little less than high treason, and therefore concluded him a delinquent, and to be sent for to attend them. It was thought

[1] [Ps. lvii. 6.]

strangely ridiculous by standers by that sir John Hotham should 1642
be justified for keeping the town against the King, and another gentleman be voted a delinquent for designing to recover it to its allegiance; and that they who but few days before, when the King had sent a warrant to require sergeant-major Skippon May 13.
to attend his majesty at York, resolved, and published their May 17.
resolutions in print, (as they did all things which they conceived might diminish the reputation of the King or his authority,) 'that such command from his majesty was against the law of the land and the liberty of the subject, and likewise, the person being employed by them to attend their service, against the privilege of Parliament; and therefore, that their sergeant-major-general of the forces of London' (that was his style) 'should continue to attend the service of both Houses according to their former commands,' should expect that their warrant should be submitted to by those who were waiting on the King; whose known legal authority, severed from any thing that might be understood to relate to the Parliament or its privileges, they had so flatly contradicted and contemned that, the same day May 17.
on which they redeemed their officer Skippon from his allegiance and duty of going to the King, being informed that the King had sent a writ[1] to adjourn the term (Midsummer term) to York from Westminster, which was as much in his power legally to do as to make a knight, they declared that 'the King's removing of the term to York from Westminster, sitting the Parliament, was illegal,' and ordered, 'that the Lord Keeper should not issue out any writs or seal any proclamation to that purpose;' which was by him observed accordingly, notwithstanding the King's command for the adjournment.

156. When their officer came to York for the apprehension of the delinquents, he found the same neglect there of the Parliament as he found above of the King; and was so ill intreated June 2.
by those whom he looked upon as his prisoners, that, if the King's extraordinary provision had not been interposed, the messenger would scarce have returned to have reported how uncurrent such warrants were like to be in York, and how

[1] [The Lord Keeper received the writ from the King on May 16.]

1642 perilous such voyages might prove to the adventurers. But how amazed or surprised soever they seemed to be with this new contradiction, it was no more than they looked for; for their dilemma was, if their messenger returned with his prize, all the resort to, and all the glory of, York was determined; for no man would repair thither from whence the bare voting him a delinquent would remove him with those other inconvenient circumstances of censure and imprisonment: if he returned neglected and affronted, as they presumed he would, they had a new reproach for the King, of 'protecting delinquents against the justice of Parliament,' which would be a new breach of their privileges, as heinous and unpopular as had yet been made, and for the vindication whereof their Protestation would no less oblige them than it had done on the behalf of the five members.

June 10. And such votes they passed upon the return of their officer; and had in readiness prepared two voluminous Declarations to the people, which they published about [the same[1]] time; in the one, with all the reiterated complaints and envenomed repetitions of what had been done, or been thought to have been done, amiss in the whole reign of the King, to render his person odious or unacceptable; in the other, by undervaluing his regal power, and declaring against it, to make his authority despised, at least not feared.

May 19[2]. 157. The first was of the 19th of May, in which they declared that

'The infinite mercy and providence of the Almighty God had been abundantly manifested since the beginning of this Parliament in great variety of protections and blessings; whereby He had not only delivered them from many wicked plots and designs, which, if they had taken effect, would have brought ruin and destruction upon the kingdom, but, out of those attempts, had produced divers evident and remarkable advantages, to the furtherance of those services which they had been desirous to perform to their sovereign lord the King, and to the Church and State, in providing for the public peace, and prosperity of his majesty and all his realms; which, in the presence of the same all-seeing Deity, they protested to have been, and still to be, the only end of all their counsels and endeavours, wherein they had resolved to continue freed and enlarged from all private aims, personal respects, or passions whatsoever.

[1] ['a,' MS.] [2] [This Declaration passed the Lords on May 23.]

158. 'In which resolution,' they said, 'they were nothing discouraged, 1642
although the heads of the malignant party, disappointed of their prey, the religion and liberty of the kingdom, which they were ready to seize upon and devour before the beginning of this Parliament, had still persisted by new practices, both of force and subtlety, to recover the same again; for which purpose they had made several attempts for bringing up the army; they afterwards projected the false accusation of the lord Kimbolton, and the five members of the House of Commons, which being in itself of an odious nature, they had yet so far prevailed with his majesty as to procure him to take it upon himself; but when the unchangeable duty and faithfulness of the Parliament could not be wrought upon by such a fact as that to withdraw any part of their reverence and obedience from his majesty, they had, with much art and industry, advised his majesty to suffer divers unjust scandals and imputations upon the Parliament to be published in his name, whereby they might make it odious to the people, and by their help to destroy that which hitherto had been the only means of their own preservation.

159. 'For this purpose they had drawn his majesty into the northern parts far from the Parliament; that so, false rumours might have time to get credit, and the just defences of the Parliament find a more tedious, difficult, and disadvantageous access, after those false imputations and slanders had been first rooted in the apprehension of his majesty and his subjects; which the more speedily to effect, they had caused a press to be transported to York, from whence several papers and writings of that kind were conveyed to all parts of the kingdom, without the authority of the Great Seal, in an unusual and illegal manner, and without the advice of his majesty's Privy Council; from the greater and better part whereof having withdrawn himself, as well as from his Great Council of Parliament, he was thereby exposed to the wicked and unfaithful counsels of such as had made the wisdom and justice of the Parliament dangerous to themselves; and that danger they laboured to prevent by hiding their own guilt under the name and shadow of the King, infusing into him their own fears, and, as much as in them lay, aspersing his royal person and honour with their own infamy; from both which it had always been as much the care as it was the duty of the Parliament to preserve his majesty, and to fix the guilt of all evil actions and counsels upon those who had been the authors of them.

160. 'Amongst divers writings of that kind,' they said, 'they, the Lords and Commons in Parliament, had taken into their consideration two printed papers; the first containing a Declaration which they had received from his majesty, in answer to that which had been presented to his majesty from both Houses at Newmarket, the 9th of March, 1641; the other, his majesty's answer to the petition of both Houses presented to his majesty the 26th of March, 1642. Both which were filled with harsh censures and causeless charges upon the Parliament, concerning which they held it necessary to give satisfaction to the kingdom; seeing they found it very difficult to satisfy his majesty, whom, to their great grief, they had found to be so engaged to and possessed by those misapprehensions which evil counsellors have wrought in him, that their most humble and faithful remonstrances had rather irritated and embittered than any thing allayed or mitigated the sharp expressions which his majesty had been pleased to

1642 make in answer to them; for the manifestation whereof, and of their own innocency, they desired that all his majesty's loving subjects might take notice of these particulars:—

161. 'They knew no occasion given by them which might move his majesty to tell them that in their Declaration presented at Newmarket there were some expressions different from the usual language to princes: neither did they tell his majesty, either in words or in effect, that if he did not join with them in an act which he conceived might prove prejudicial and dangerous to himself and the whole kingdom, they would make a law without him and impose it upon the people. That which they desired,' they said, 'was, that, in regard of the imminent danger of the kingdom, the militia, for the security of his majesty and his people, might be put under the command of such noble and faithful persons as they had all cause to confide in: and such was the necessity of this preservation that they declared, that, if his majesty should refuse to join with them therein, the two Houses of Parliament, being the supreme court and highest council of the kingdom, were enabled by their own authority to provide for the repulsing of such imminent and evident danger, not by any new law of their own making, as had been untruly suggested to his majesty, but by the most ancient law of the kingdom, even that which is fundamental and essential to the constitution and subsistence of it.

162. 'Although they never desired,' they said, 'to encourage his majesty to such replies as might produce any contestation between him and his Parliament, of which they never found better effect than loss of time and hinderance of the public affairs, yet they had been far from telling him of how little value his words would be with them, much less when they were accompanied with actions of love and justice.' They said, 'he had more reason to find fault with those wicked counsellors who had so often bereaved him of the honour, and his people of the fruit, of many gracious speeches which he had made to them, such as those in the end of the last Parliament, that, "*in the word of a king, and as he was a gentleman, he would redress the grievances of his people, as well out of Parliament as in it.*"' They asked, 'if the searching the studies and chambers, yea, the pockets of some, both of the nobility and commons, the very next day; the commitment of Mr. Bellasis, sir John Hotham, and Mr. Crew[1]; the continued oppressions by ship-money, coat and conduct money, with the manifold imprisonments and other vexations thereupon; and other ensuing violations of the laws and liberties of the kingdom, (all which were the effects of evil counsel, and abundantly declared in their Remonstrance of the state of the kingdom,) [were] actions of love and justice, suitable to such words as those?

163. 'As gracious was his majesty's speech in the beginning of this Parliament, that "*he was resolved to put himself freely and clearly upon the love and affection of his English subjects.*"' They asked 'whether his causeless complaints and jealousies, the unjust imputations so often cast upon his Parliament, his denial of their necessary defence by the ordinance of the militia, his dangerous absenting himself from his Great Council, like to

[1] [Henry Bellasis and Sir John Hotham were committed to the Fleet prison, May 8, and John Crew to the Tower, May 10, 1640.]

produce such a mischievous division in the kingdom, had not been more 1642
suitable to other men's evil counsels than to his own words? Neither,' they said, 'had his later speeches been better used and preserved by those evil and wicked counsellors. Could any words be fuller of love and justice than those in his answer to the message sent to the House of Commons the 31st of December, 1641: "*We do engage unto you solemnly the word of a king, that the security of all and every one of you from violence is, and ever shall be, as much our care as the preservation of us and our children?*" And could any actions be fuller of injustice and violence than that of the Attorney General in falsely accusing the six members of Parliament, and the other proceedings thereupon, within three or four days after that message? For the full view whereof, they desired the Declaration made of those proceedings might be perused; and by those instances (—they could add many more—) the world might judge who deserved to be taxed with disvaluing his majesty's words; they who had as much as in them lay stained and sullied them with such foul counsels, or the Parliament who had ever manifested, with joy and delight, their humble thankfulness for those gracious words, and actions of love and justice which had been conformable thereunto.

164. 'The King,' they said, 'had been pleased to disavow the having any such evil counsel or counsellors as were mentioned in their Declaration, to his knowledge; and they held it their duty humbly to avow there were such; or else they must say that all the ill things done of late in his majesty's name had been done by himself; wherein they should neither follow the direction of the law, nor the affection of their own hearts, which was, as much as might be, to clear his majesty from all imputation of misgovernment, and to lay the fault upon his ministers. The false accusing of six members of Parliament; the justifying Mr. Attorney in that false accusation; the violent coming to the House of Commons; the denial of the militia; the sharp messages to both Houses, contrary to the customs of former kings; the long and remote absence of his majesty from Parliament; the heavy and wrongful taxes upon both Houses; the cherishing and countenancing a discontented party in the kingdom against them; were certainly the fruits of very evil counsels, apt to put the kingdom into a combustion, to hinder the supplies of Ireland, and to countenance the proceedings and pretensions of the rebels there: and the authors of these evil counsels, they conceived, must needs be known to his majesty; and they hoped their labouring with his majesty to have those discovered and brought to a just censure would not so much wound his honour in the opinion of his good subjects as his labouring to preserve and conceal them.

165. 'And whereas his majesty had said, he could wish that his own immediate actions, which he avowed, and his own honour, might not be so roughly censured under that common style of *Evil Counsellors*,' they said, 'that they could also heartily wish that they had not cause to make that style so common; but how often and undutifully soever those wicked counsellors should fix their dishonour upon the King, by making his majesty the author of those evil actions which were the effects of their own evil counsels, they, his majesty's loyal and dutiful subjects, could use no other style, according to that maxim of the law, *the king can do no wrong*; but

1642 if any ill were committed, in matter of State the Council, if in matter of justice the judges, must answer for it.'

166. They said, 'they had laid no charge upon his majesty which should put him upon that apology concerning his faithful and zealous affection of the Protestant profession: neither did his majesty endeavour to clear those in greatest authority about him, by whom they had said that design had been potently carried on for divers years; and they rather wished that the mercies of Heaven than the judgments might be manifested upon them; but that there had been such, there had been such plentiful and frequent evidences that they believed there was none, either Protestant or Papist, who had had any reasonable view of the passages of later times, but, either in fear or hope, did expect a sudden issue of that design.'

167. They said, 'they had no way transgressed against the Act of Oblivion by remembering the intended war against Scotland, as a branch of that design to alter religion by those wicked counsels, from which God did then deliver them, which they ought never to forget.

168. 'That the rebellion in Ireland was framed and cherished by the Popish and malignant party in England, was not only affirmed by the rebels, but,' they said, 'might be cleared by many other proofs: the same rebellious principles of pretended religion, the same politic ends, were apparent in both, and their malicious designs and practices were masked and disguised with the same false colour of their earnest zeal to vindicate his majesty's prerogative from the supposed oppression of the Parliament. How much those treacherous pretences had been countenanced by some evil counsel about his majesty might appear in this, that the proclamation whereby they were declared traitors was so long withheld as to the 2nd of January, though the rebellion brake forth in October before, and then no more than forty copies appointed to be printed, with a special command from his majesty not to exceed that number, and that none of them should be published till his majesty's pleasure was further signified, as by the warrant appears, a true copy whereof was annexed to this Declaration; so that a few only could take notice of it; which was made more observable by the late contrary proceedings against the Scots, who were in a very quick and sharp manner proclaimed, and those proclamations forthwith dispersed with as much diligence as might be throughout all the kingdom, and ordered to be read in all churches, accompanied with public prayers and execrations. Another evidence of favour and countenance to the rebels in some of power about his majesty was this, that they had put forth in his majesty's name a causeless complaint against the Parliament, which speaks the same language of the Parliament which the rebels do, thereby to raise a belief in men's minds that his majesty's affections were alienated, as well as his person was removed, from that his Great Council. All which,' they said, 'did exceedingly retard the supplies of Ireland, and more advance the proceedings of the rebels than any jealousy or misapprehension begotten in his subjects by the declaration of the rebels, injunction of Rosetti, or information of Tristram Whitcombe; so that, considering the present state and temper of both kingdoms, his royal presence was far more necessary here, than it could be in Ireland, for redemption or protection of his subjects there.

169. 'And whether there were cause for his majesty's great indignation 1642
for being reproached to have intended force or threatening to the Parliament, they desired them to consider who should read their Declaration, in which there was no word tending to any such reproach; and certainly,' they said, 'they had been more tender of his majesty's honour in that point than he, whosoever he was, that did write that Declaration, where, in his majesty's name, he did call God to witness he never had any such thought, or knew of any such resolution of bringing up the army; which truly,' they said, 'would seem strange to those who should read the deposition of Mr. Goring, information of Mr. Percy, and divers other examinations of Mr. Wilmot, Master Pollard, and others, the other examination of captain Legg, sir Jacob Ashly, [and] sir John Conyers, and consider the condition and nature of the petition which was sent unto sir Jacob Ashly under the approbation of *C.R.*, which his majesty had now acknowledged to be his own hand, and, being full of scandal to the Parliament, might have proved dangerous to the whole kingdom if the army should have interposed betwixt the King and them, as was desired.

170. 'They did not affirm that his majesty's warrant was granted for the passage of Mr. Jermin after the desire of both Houses for restraint of his servants, but only that he did pass over after that restraint, by virtue of such a warrant. They knew the warrant bore date the day before their desire; yet,' they said, 'it seemed strange to those who knew how great respect and power Mr. Jermin had in Court, that he should begin his journey in such haste, and in apparel so unfit for travel as a black satin suit and white boots, if his going away was designed the day before.

171. 'The accusation of the lord Kimbolton and the five members of the House of Commons was called a breach of privilege; and truly so it was, and a very high one, far above any satisfaction that had been yet given:' for they asked, 'how it could be said to be largely satisfied, so long as his majesty laboured to preserve Mr. Attorney from punishment, who was the visible actor in it? So long as his majesty had not only justified him, but by his letter declared that it was his duty to accuse them, and that he would have punished him if he had not done it? So long as those members had not the means of clearing their innocency, and the authors of that malicious charge [were] undiscovered, though both Houses of Parliament had several times petitioned his majesty to discover them, and that not only upon grounds of common justice but by Act of Parliament his majesty was bound to do it? So long as the King refused to pass a bill for their discharge, alleging that the narrative in that bill was against his honour, whereby he seemed still to avow the matter of that false and scandalous accusation, though he deserted the prosecution, offering to pass a bill for their acquittal, yet with intimation that they must desert the avowing their own innocency, which would more wound them in honour than secure them in law?

172. 'And in vindication of that great privilege of Parliament, they did not know that they had invaded any privilege belonging to his majesty, as had been alleged in that Declaration. But,' they said, 'they looked not upon that only in the notion of a breach of privilege, which might be, though the accusation were true or false, but under the notion of a heinous

1642 crime in the Attorney, and all other subjects who had a hand in it, a crime against the law of nature, against the rules of justice, that innocent men should be charged with so great an offence as treason, in the face of the highest judicatory of the kingdom, whereby their lives and estates, their blood and honour, were endangered, without witness, without evidence, without all possibility of reparation in a legal course; yet a crime of such a nature that his majesty's command can no more warrant than it can any other act of injustice. Those things which were evil in their own nature, such as a false testimony or false accusation, could not be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever: therefore the Attorney in that case was bound to have refused to execute such a command, unless he had some [such] evidence or testimony as might have warranted him against the parties, and be liable to make satisfaction if it should prove false; and it was sufficiently known to every man, and adjudged in Parliament, that the King could be neither the relater, informer, or witness. If it should rest as it was, without farther satisfaction, no future Parliament could be safe but that the members might be taken and destroyed at pleasure; yea, the very principles of government and justice would be in danger to be dissolved.'

173. They said, 'they did not conceive that numbers did make an assembly unlawful, but when either the end or manner of their carriage should be unlawful. Divers just occasions might draw the citizens to Westminster, where many public and private petitions and other causes were depending in Parliament; and why that should be found more faulty in the citizens than the resort every day in the term of great numbers to the ordinary courts of justice, they knew not. That those citizens were notoriously provoked and assaulted at Westminster by colonel Lunsford, captain Hyde, and others, and by some of the servants of the archbishop of York, was sufficiently proved; and that afterwards they were more violently wounded, and most barbarously mangled with swords, by the officers and soldiers near Whitehall, many of them being without weapons and giving no cause of distaste, was likewise proved by several testimonies; but of any scandalous or seditious misdemeanours of theirs that might give his majesty good cause to suppose his own person, or those of his royal consort or children, to be in apparent danger, they had no proof ever offered to either House; and if there had been any complaint of that kind, it was no doubt the Houses would have been as forward to join in an order
May 18, for the suppressing of such tumults as they were, not long before, upon
1641 another occasion, when they made an order to that purpose; whereas those officers and soldiers which committed that violence upon so many of the citizens at Whitehall were cherished and fostered in his majesty's house;
Jan. 7, and when, not long after, the Common Council of London presented a peti-
1642 tion to his majesty for reparation of those injuries, his majesty's answer was, without hearing the proof of the complainants, that if any citizen were wounded, or ill entreated, his majesty was "*confidently assured that it happened by their own evil and corrupt demeanours.*"'

174. They said, 'they hoped it could not be thought contrary to the duty and wisdom of a Parliament if many concurring and frequently reiterated and renewed advertisements from Rome, Venice, Paris, and other parts, if

the solicitation of the Pope's nuncio, and their own discontented fugitives, 1642
did make them jealous and watchful for the safety of the State: and they had been very careful to make their expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might justly stick with them with reflection upon the person of his majesty: wherein they appealed to the judgment of any indifferent person who should read and peruse their own words.'

175. They said, 'they must maintain the ground of their fears to be of that moment that they could not discharge the trust and duty that lay upon them unless they did apply themselves to the use of those means to which the law had enabled them in cases of that nature, for the necessary defence of the kingdom; and as his majesty did graciously declare that the law should be the measure of his power, so did they most heartily profess that they should always make it the rule of their obedience.' Then they observed, 'that there were certain prudent omissions in his majesty's answer;' and said, 'that the next point of their Declaration was with much caution artificially passed over by him who drew his majesty's answer; it being indeed the foundation of all their misery and his majesty's trouble that he was pleased to hear general taxes upon his Parliament, without any particular charge to which they might give satisfaction; and that he had often conceived displeasure against particular persons upon misinformation; and although those informations had been clearly proved to be false, yet he would never bring the accusers to question; which did lay an impossibility upon honest men of clearing themselves, and gave an encouragement to false and unworthy persons to trouble him with untrue and groundless informations. Three particulars they had mentioned in their Declaration which the penner of his majesty's Declaration had good cause to omit: the words supposed to be spoken at Kensington; the pretended articles against the Queen; and the groundless accusation of the six members of the Parliament; there being nothing to be said in defence or denial of any of them.

176. 'Concerning his majesty's desire to join with his Parliament and with his faithful subjects in defence of religion and public good of the kingdom,' they said, 'they doubted not he would do it fully when evil counsellors should be removed from about him; and until that should be, as they had shewed before of words, so must they also say of laws, that they could not secure them: witness the Petition of Right, which had been followed with such an inundation of illegal taxes that they had just cause to think that the payment of eight hundred and twenty thousand pounds was an easy burden to the commonwealth in exchange of them; and they could not but justly think that, if there were a continuance of such ill counsellors and favour to them, they would by some wicked device or other make the bill for the Triennial Parliament, and those other excellent laws mentioned in his majesty's Declaration, of less value than words. That excellent bill for the continuance of this Parliament,' they said, 'was so necessary, that without it they could not have raised so great sums of money for the service of his majesty and the commonwealth as they had done, and without which the ruin and destruction of the kingdom must needs have followed. And they were resolved the gracious favour of his majesty expressed in that bill, and the advantage and security which

1642 thereby they had from being dissolved, should not encourage them to do any thing which otherwise had not been fit to have been done. And they were ready to make it good before all the world that, although his majesty had passed many bills very advantageous for the subject, yet in none of them had they bereaved his majesty of any just, necessary, or profitable prerogative of the Crown.

177. They said, 'they so earnestly desired his majesty's return to London that upon it they conceived depended the very safety and being of both his kingdoms: and therefore they must protest that, as for the time past neither the government of London nor any laws of the land had lost their life and force for his security, so for the future they should be ready to do or say any thing that might stand with the duty or honour of a Parliament, which might raise a mutual confidence between his majesty and them, as they did wish, and as the affairs of the kingdom did require.

178. 'Thus far,' they said, 'the answer to that which was called, "*his majesty's Declaration*" had led them. Now they came to that which was entitled, '*His Majesty's answer to the petition of both Houses presented to him at York the 26th of March, 1642.*" In the beginning whereof his majesty wished that their privileges on all parts were so stated that that way of correspondency might be preserved with that freedom which had been used of old.' They said, 'they knew nothing introduced by them that gave any impediment thereunto; neither had they affirmed their privileges to be broken when his majesty denied them any thing, or gave a reason why he could not grant it; or that those who advised such denial were enemies to the peace of the kingdom and favourers to the Irish rebellion; in which aspersion that was turned to a general [assertion[1]] which in their votes was turned to a particular case; wherefore they must maintain their votes, that those who advised his majesty to contradict that which both Houses in the question concerning the militia had declared to be law, and command it should not be obeyed, is a high breach of privilege, and that those who advised his majesty to absent himself from his Parliament were enemies to the peace of the kingdom, and justly to be suspected to be favourers of the rebellion in Ireland. The reasons of both were evident, because in the first there was as great a derogation from the trust and authority of Parliament, and in the second, as much advantage to the proceedings and hopes of the rebels, as might be; and they held it a very causeless imputation upon the Parliament that they had therein any way impeached, much less taken away, the freedom of his majesty's vote; which did not import a liberty in his majesty to deny any thing how necessary soever for the preservation of the kingdom, much less a license to evil counsellors to advise any thing, though never so destructive to his majesty and his people.

179. 'By the message of the 20th of January his majesty had propounded to both Houses of Parliament that they would with all speed fall into a serious consideration of all those particulars which they thought necessary, as well for the upholding and maintaining his majesty's just and regal authority and for the settling his revenue, as for the present and future establishing their privileges, the free and quiet enjoying their estates, the

[1] ['aspersion,' MS.]

liberties of their persons, the security of the true religion professed in the Church of England, and the settling of ceremonies in such a manner as might take away all just offence; and to digest it into one entire body. 1642

180. 'To that point of upholding and maintaining his royal authority,' they said, 'nothing had been done to the prejudice of it that should require any new provision: to the other, of settling the revenue, the Parliament had no way abridged or disordered his just revenue; but it was true that much waste and confusion of his majesty's estate had been made by those evil and unfaithful ministers whom he had employed in the managing of it, whereby his own ordinary expenses would have been disappointed, and the safety of the kingdom more endangered, if the Parliament had not in some measure provided for his household and for some of the forts more than they were bound to do; and they were still willing to settle such a revenue upon his majesty as might make him live royally, plentifully, and safely; but they could not in wisdom and fidelity to the commonwealth do that, till he should choose such counsellors and officers as might order and dispose it to the public good, and not apply it to the ruin and destruction of his people, as heretofore it had been. But that, and the other matters concerning themselves, being works of great importance and full of intricacy, would require so long a time of deliberation that the kingdom might be ruined before they could effect them: therefore they thought it necessary first to be suitors to his majesty so to order the militia, that, the kingdom being secured, they might with more ease and safety apply themselves to debate of that message wherein they had been interrupted by his majesty's denial of the ordinance concerning the same; because it would have been in vain for them to labour in other things, and in the mean time to leave themselves naked to the malice of so many enemies, both at home and abroad. Yet they had not been altogether negligent of those things which his majesty had been pleased to propound in that message: they had agreed upon a book of rates in a larger proportion than had been granted to any of his majesty's predecessors, which was a considerable support of his majesty's public charge; and had likewise prepared divers propositions and bills for preservation of their religion and liberties, which they intended shortly to present to his majesty, and to do whatsoever was fit for them to make up that unpleasant breach between his majesty and the Parliament.

181. 'Whereas divers exceptions had been taken concerning the militia; first, that his majesty never denied the thing, but accepted the persons, (except for corporations,) only that he denied the way; to which they answered, that that exception took off London, and all other great towns and cities, which makes a great part of the kingdom; and for the way of ordinance, it is ancient, more speedy, more easily alterable, and, in all these and other respects, more proper, and more applicable to the present occasion, than a bill, which his majesty called the good old way of imposing upon the subjects; it should seem that neither his majesty's royal predecessors nor their ancestors had heretofore been of that opinion; 37 Edw. III.,' they said, 'they found this record: "The Chancellor made 1363 declaration of the challenge of the Parliament; the King desires to know the griefs of his subjects and to redress enormities. The last day of the

1642 Parliament, the King demanded of the whole estates, whether they would have such things as they agreed on by way of ordinance or statute? who answered, by way of ordinance, for that they might amend the same at heir pleasures; and so it was [1]."

182. 'But his majesty objected further, that there was somewhat in the preface to which he could not consent with justice to his honour and innocence; and that thereby he was excluded from any power in the disposing of it. These objections,' they said, 'might seem somewhat, but indeed would appear nothing when it should be considered that nothing in the preamble laid any charge upon his majesty, or in the body of the ordinance, that excludes his royal authority in the disposing or execution of it: but only it was provided that it should be signified by both Houses of Parliament, as that channel through which it would be best derived, and most certainly, to those ends for which it was intended; and let all the world judge whether they had not reason to insist upon it, that the strength of the kingdom should rather be ordered according to the advice or direction of the Great Council of the land, intrusted by the King and by the kingdom, than that the safety of the King, Parliament, and kingdom, should be left at the devotion of a few unknown counsellors, many of them not intrusted at all by the King in any public way, nor at all confided in by the kingdom.

183. 'They wished the danger were not imminent, or not still continuing, but could not conceive that the long time spent in that debate was evidence sufficient that there was no such necessity or danger, but a bill might easily have been prepared; for when many causes do concur to the danger of a State, the interruption of any one might hinder the execution of the rest, and yet the design be still kept on foot for better opportunities. Who knew whether the ill success of the rebels in Ireland had not hindered the insurrection of the Papists here? Whether the preservation of the six members of the Parliament false[ly] accused had not prevented that plot of the breaking the neck of this Parliament, of which they were informed from France not long before they were accused? Yet since his majesty had been pleased to express his pleasure rather for a bill than an ordinance, and that he sent in one for that purpose, they readily entertained it, and, with some small and necessary alterations, speedily passed the same. But contrary to the custom of Parliament, and their expectation, grounded upon his majesty's own [invitation [2]] of them to that way, and the other reasons manifested in their Declaration concerning the militia, of the 5th of May, instead of the royal assent they met with an absolute refusal.

184. 'For their votes of the 15th and 16th of March,' they said, 'if the matter of those votes were according to law, they hoped his majesty would allow the subjects to be bound by them, because he had said he would make

[1] ['Et pur tant demanda de eux, s'ils voleient avoir les choses issint accordez mys pur voie de Ordinance ou de Statuyt? Qi disoient, qe bon est mettre les choses pur voie d'Ordinance, et nemye pur Estatut, aufin qe si rien soit de amender puisse estre amende a preschein Parlement; et issint est fait.' *Rotuli Parliamentorum*, vol. ii. p. 280.]

[2] ['expectation,' MS.]

the law the rule of his power; and if the question were, whether that were law which the Lords and Commons had once declared to be so, who should be the judge? Not his majesty; for the King judgeth not of matters of law but by his courts, and his courts, though sitting by his authority, expected not his assent in matters of law. Not any other courts; for they could not judge in that case, because they were inferior, no appeal lying to them from Parliament, the judgment whereof is in the eye of the law the King's judgment in his highest court, though the King in his person be neither present nor assenting thereunto. 1642

185. 'The votes at which his majesty took exception were these:—

1. 'That the King's absence so far remote from his Parliament was not only an obstruction, but might prove a destruction to the affairs of Ireland.

2. 'That when the Lords and Commons shall declare what the law of the land is, to have this not only questioned and controverted but contradicted, and a command that it should not be obeyed, was a high breach of the privilege of Parliament.

3. 'That those persons who advised his majesty to absent himself from the Parliament are enemies to the peace of the kingdom, and justly may be suspected to be favourers of the rebellion in Ireland.

4. 'That the kingdom had been of late, and still was, in so eminent danger, both from enemies abroad and a popish and discontented party at home, that there was an urgent and inevitable necessity of putting his majesty's subjects into a posture of defence, for the safeguard both of his majesty and his people.

5. 'That the Lords and Commons, fully apprehending this danger, and being sensible of their own duty to provide a suitable prevention, had in several petitions addressed themselves to his majesty, for the ordering and disposing the militia of the kingdom in such a way as was agreed by the wisdom of both Houses to be most effectual and proper for the present exigents of the kingdom, yet could not obtain it; but his majesty did several times refuse to give his royal assent thereunto.

6. 'That in this case of extreme danger and his majesty's refusal, the ordinance of Parliament agreed upon by both Houses for the militia doth oblige the people, and ought to be obeyed, by the fundamental laws of this kingdom.

186. 'By all which,' they said, 'it did appear, that there had been no colour of that tax that they went about to introduce a new law, much less to exercise an arbitrary power, but indeed to prevent it: for this law was as old as the kingdom, that the kingdom must not be without a means to preserve itself; which, that it might be done without confusion, this nation had intrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of the kingdom, was in his majesty and in his Parliament together: yet since the prince, being but one person, is more subject to accidents of nature and chance, whereby the commonwealth may be deprived of the fruit of that trust which was in part reposed in him, in cases

1642 of such necessity, (that the kingdom may not be enforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule,) the wisdom of this State hath intrusted the Houses of Parliament with a power to supply what should be wanting on the part of the prince, as is evident by the constant custom and practice thereof in cases of nonage, natural disability, and captivity; and the like reason doth and must hold for the exercise of the same power in such cases where the royal trust cannot be or is not discharged, and that the kingdom runs an evident and imminent danger thereby; which danger having been declared by the Lords and Commons in Parliament, there needs not the authority of any person or court to affirm, nor is it in the power of any person or court to revoke that judgment.'

187. They said, 'they knew the King had ways enough in his ordinary courts of justice to punish such seditious pamphlets and sermons as were any ways prejudicial to his rights, honour, and authority; and if any of them had been so insolently violated and vilified, his majesty's own counsel and officers had been to blame, and not the Parliament: they never had restrained any proceedings of that kind in other courts, nor refused any fit
1641 complaint to them. *The Protestation Protested* had been referred by the
July 10. Commons' House to a committee, and, the author being not produced, the printer committed to prison, and the book voted by that committee to be burned; but sir Edward Deering, who was to make that report of the votes of that committee, neglected to make it. *The Apprentices' Protestation* was never complained of: but the other seditious pamphlet, *To your tents, O Israel*, was once questioned, and the full prosecution of it was not interrupted by any fault of either House, whose forwardness to do his ma-
1642 jesty all right therein might plainly appear in that a committee of Lords
April 5. and Commons was purposely appointed, to take such informations as the King's counsel should present concerning seditious words, practices or tumults, pamphlets or sermons, tending to the derogation of his majesty's rights or prerogative, and his counsel had been enjoined by that committee to inquire and present them; who several times met thereupon, and
April 25. received this answer and declaration of the King's counsel, that they knew of no such thing as yet.'

188. They said, 'if his majesty had used the service of such a one in penning that answer who understood the laws and government of this kingdom, he would not have thought it legally in his power to deny his Parliament a guard when they stood in need of it, since every ordinary court hath it: neither would his majesty if he had been well informed of the laws have refused a guard as they desired it, it being in the power of inferior courts to command their own guard; neither would he have imposed upon them such a guard under a commander which they could not have confided in, which is clearly against the privileges of Parliament, and of which they found very dangerous effects, and therefore desired to have it discharged: but such a guard, and so commanded, as the Houses of Parliament desired, they could never obtain of his majesty; and the placing a guard about them contrary to their desire was not to grant a guard to them, but in effect to set one upon them. All which considered, they believed, in the judgment of any indifferent persons, it would not be thought

strange if there were a more than ordinary resort of people at Westminster, 1642
of such as came willingly of their own accord to be witnesses and helpers of the safety of them whom all his majesty's good subjects are bound to defend from violence and danger; or that such a concourse as that, they carrying themselves quietly and peaceably, (as they did,) ought in his majesty's apprehension, or could in the interpretation of the law, be held tumultuary and seditious.'

189. They said, 'when his majesty, in that question of violation of the laws, had expressed the observation of them indefinitely, without any limitation of time, although they never said or thought any thing that might look like a reproach to his majesty, yet they had reason to remember that it had been otherwise, lest they should seem to desert their former complaints and proceedings thereupon, as his majesty did seem but little to like or approve of them: for though he did acknowledge here that great mischieve that grew by that arbitrary power then complained of, yet such were continually preferred and countenanced as were friends or favourers, or related unto the chief authors and actors, of that arbitrary power, and of those false colours and suggestions of imminent danger and necessity whereby they did make it plausible unto his majesty: and, on the other side, such as did appear against them were daily discountenanced and disgraced: which whilst it should so be, they had no reason to believe the disease to be yet killed and dead at root, and therefore no reason to bury it in oblivion. And whilst they beheld the spawns of those mischievous principles cherished and fostered in that new generation of counsellors, friends and abettors of the former, or at least concurring with them in their malignancy against the proceedings of this Parliament, they could not think themselves secure from the like or a worse danger.

190. 'They observed the penner of his majesty's answer bestowed an admonition upon the Parliament, bidding them take heed they fell not upon the same error upon the same suggestions; but,' they said, 'he might well have spared that, till he could have shewed wherein they had exercised any power otherwise than by the rule of the law, or could have found a more authentic, or a higher, judge in matters of law than the High Court of Parliament.

191. 'It was declared in his majesty's name that he resolved to keep the rule himself, and, to his power, to require the same of all others.' They said, 'they must needs acknowledge that such a resolution was like to bring much happiness and blessing to his majesty and all his kingdoms; yet, with humility, they must confess they had not the fruit of it in that case of the lord Kimbolton and the other five members, accused contrary to law, both common law and the statute law, and yet remained unsatisfied: which case had been remembered in their Declaration as a strange and unheard of violation of their laws: but the penner of that Answer thought fit to pass it over, hoping that many would read his majesty's Answer, which had been so carefully dispersed, who would not read their Declaration.

192. 'Whereas, after their ample thanks and acknowledgment of his majesty's favour in passing many good bills, they had said that truth and necessity enforced them to add this, that in or about the time of passing

1642 those bills some design or other had been on foot which, if it had taken effect, would not only have deprived them of the fruit of those bills, but would have reduced them to a worse condition of confusion than that wherein the Parliament found them, it was now told them that the King must be most sensible of what they cast upon him for requital of those good bills; whereas, out of their usual tenderness of his majesty's honour, they did not mention him at all; but so injurious,' they said, '[were] those wicked counsellors to the name and honour of their master and sovereign, that, as much as they could, they laid their own infamy and guilt upon his shoulders.

193. 'Here, they observed, God also was called to witness his majesty's upright intentions at the passing of those laws; which,' they said, 'they would not question, neither did they give any occasion of such a solemn asseveration as that was; the Devil was likewise defied to prove there was any design with his majesty's knowledge or privity. [That [1]] might well have been spared; for they spake nothing of his majesty: but since they were so far taxed as to have it affirmed that they had laid a false and notorious imputation upon his majesty, they thought it necessary, for the just defence of their own innocency, to cause the oaths and examinations which had been taken concerning the design to be published in a full narration, for satisfaction of all his majesty's subjects; out of which they would now offer some few particulars, [whereby [2]] the world might judge whether they could proceed with more tenderness towards his majesty than they had done. Master Goring confessed that the King first asked him whether he were engaged in any cabal concerning the army? and commanded him to join with Mr. Percy and Mr. Jermin, and some other whom they should find at Mr. Percy's chamber; where they took the oath of secrecy, and then debated of a design proposed by Mr. Jermin to secure the Tower, and to consider of bringing up the army to London. And captain Legg confessed he had received the draught of a petition in the King's presence; and his majesty acknowledgeth it was from his own hand: and whosoever reads the sum of that petition, as it was proved by the testimony of sir Jacob Ashly, sir J. Conyers, and captain Legg, will easily perceive some points in it apt to beget in them some discontents against the Parliament. And could any man believe there was no design in the accusation of the lord Kimbolton and the rest, in which his majesty doth avow himself to be both a commander and an actor? These things being so, it would easily appear to be as much against the rules of prudence that the penner of that Answer should entangle his majesty in that unnecessary apology, as it was against the rules of justice that any reparation from them should be either yielded or demanded.

194. 'It was professed in his majesty's name that he is truly sensible of the burdens of his people; which made them hope that he would take that course which would be most effectual to ease them of those burdens; that was, to join with his Parliament in preserving the peace of the kingdom, which by his absence from them had been much endangered; and which, by hindering the voluntary Adventures for the recovery of Ireland, and disabling the subjects to discharge the great tax imposed on them, was like

[1] ['They,' MS.] [2] ['out of which,' MS.]

to make the war much more heavy to the kingdom. And for his majesty's wants, the Parliament had been no cause of them; they had not diminished his just revenue, but had much eased his public charge, and somewhat his private; and they should be ready, in a parliamentary way, to settle his revenue in such an honourable proportion as might be answerable to both, when he should put himself into such a posture of government that his subjects might be secure to enjoy his just protection for their religion, laws, and liberties.' 1642

195. They said, 'they never refused his majesty's gracious offer of a free and general pardon; only they said it could be no security to their present fears and jealousies. And they gave a reason for it; that those fears did not arise out of any guilt of their own actions, but out of the evil designs and attempts of others; and they left the world to judge whether they therein had deserved so heavy a tax and exclamation, "*That it was a strange world when princes' proffered favours were counted reproaches*," (such were the words of his majesty's answer,) who did esteem that offer as an act of princely grace and bounty, which since this Parliament began they had humbly desired they might obtain, and did still hold it very necessary and advantageous for the generality of the subject, upon whom the taxes and subsidies lie heaviest: but,' they said, 'they saw, upon every occasion, how unhappy they were in his majesty's misapprehensions of their words and actions.'

196. They said, 'they were fully of the King's mind, as it was there declared, that he might rest so secure of the affections of his subjects that he should not stand in need of foreign force to preserve him from oppression; and were confident that he should never want an abundant evidence of the good wishes and assistance of his whole kingdom, especially if he would be pleased to hold to that gracious resolution of building upon that sure foundation, the law of the land: but why his majesty should take it ill that they, having received informations so deeply concerning the safety of the kingdom, should[1] think them fit to be considered of, they could not conceive; for although the name of the person was unknown, yet that which was more substantial to the probability of the report was known, that is, that he was servant to the lord Digby, who, in his presumptuous letter to the Queen's majesty and other letters to sir Lewis Dyves, had intimated some wicked proposition, suitable to that information; but that this should require reparation they held it as far from justice, as it was from truth that they had mixed any malice with those rumours, thereby to feed the fears and jealousies of the people.

197. 'It was affirmed that his majesty was driven from them, but not by them, yet; perchance,' they said, 'hereafter, if there should be opportunity of gaining more credit, there would not be wanting who would suggest unto his majesty that it was done by them: and if his majesty were driven from them, they hoped it was not by his own fears, but by the fears of the lord Digby and his retinue of cavaliers; and that, no fears of any tumultuary violence, but of their just punishment for their manifold insolence and intended violence against the Parliament. And this was expressed by the lord Digby himself, when he told those cavaliers that the

[1] ['and so should,' MS.]

1642 principal cause of his majesty's going out of town was to save them from being trampled in the dirt; but of his majesty's person, there was no cause of fear in the greatest heat of the people's indignation; after the accusation and his majesty's violent coming to the House, there was no show of any evil intention against his regal person; of which there could be no better evidence than this, that he came the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings or irreverent speeches, that might give him any just occasions of fear, that they had heard of or that his majesty expressed; for he staid near a week after at Whitehall in a secure and peaceable condition: whereby they were induced to believe that there was no difficulty or doubt at all but his majesty's residence near London might be as safe as in any part of the kingdom.' They said, 'they were most assured of the faithfulness of the city and suburbs; and for themselves, they should quicken the vigour of the laws, the industry of the magistrate, the authority of Parliament, for the suppressing of all tumultuary insolence whatsoever, and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him as were mentioned in that Answer: and therefore they thought it altogether unnecessary, and exceeding inconvenient, to adjourn the Parliament to any other place.

198. 'Where the desire of a good understanding betwixt the King and the Parliament was on both sides so earnest as was there professed by his majesty to be in him and they had sufficiently testified to be in themselves, it seemed strange they should be,' they said, 'so long asunder; it could be nothing else but evil and malicious counsel, misrepresenting their carriage to his majesty and indisposing his favour to them. And as it should be far from them to take any advantage of his majesty's supposed straits, as to desire, much less to compel him to, that which his honour or interest might render unpleasant or grievous to him, so they hoped his majesty would not make his own understanding or reason the rule of his government; but would suffer himself to be assisted with a wise and prudent council, that might deal faithfully betwixt him and his people: and that he would remember that his resolutions did concern kingdoms, and therefore ought not to be moulded by his own, much less by any other private person, which was not alike proportionable to so great a trust: and therefore they still desired and hoped that his majesty would not be guided by his own understanding, or to think those courses straits and necessities, to which he should be advised by the wisdom of both Houses of Parliament, which are the eyes in this politic body, whereby his majesty was by the constitution of the kingdom to discern the differences of those things which concern the public peace and safety thereof.'

199. They said, 'they had given his majesty no cause to say that they did meanly value the discharge of his public duty; whatsoever acts of grace or justice had been done, they proceeded from his majesty by the advice and counsel of his Parliament, yet they had and should always answer them with constant gratitude, obedience, and affection; and although many things had been done since this Parliament of another nature, yet they should not cease to desire the continued protection of Almighty God upon his majesty, and most humbly petition him to cast from him all those evil

and contrary counsels which had, in many particulars formerly mentioned, much detracted from the honour of his government, the happiness of his own estate, and prosperity of his people. 1642

200. 'And having passed so many dangers from abroad, so many conspiracies at home, and brought on the public work so far, through the greatest difficulties that ever stood in opposition to a Parliament, to such a degree of success that nothing seemed to be left in their way able to hinder the full accomplishment of their desires and endeavours for the public good, unless God in his justice did send such a grievous curse upon them as to turn the strength of the kingdom against itself, and to effect that by their own folly and credulity which the power and subtilty of their enemies could not attain, that was, to divide the people from the Parliament, and to make them serviceable to the ends and aims of those who would destroy them: therefore they desired the kingdom to take notice of that last most desperate and mischievous plot of the malignant party, that was acted and prosecuted in many parts of the kingdom, under plausible notions of stirring them up to a care of preserving the King's prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, [and] encouraging of learning: and upon those grounds divers mutinous petitions had been framed in London, Kent, and other counties, and sundry of his majesty's subjects had been solicited to declare themselves for the King against the Parliament; and many false and foul aspersions had been cast upon their proceedings, as if they had been not only negligent but averse in those points; whereas they desired nothing more than to maintain the purity and power of religion, and to honour the King in all his just prerogatives; and for encouragement and advancement of piety and learning, they had very earnestly endeavoured, and still did, to the uttermost of their power, that all parishes might have learned, pious, and sufficient preachers, and all such preachers competent livings.

201. 'Many other bills [and propositions],' they said, 'were in preparation, for the King's profit and honour, the people's safety and prosperity; in the proceedings whereof they were much hindered by his majesty's absence from the Parliament; which was altogether contrary to the use of his predecessors and the privilege of Parliament, whereby their time was consumed by a multitude of unnecessary messages, and their innocency wounded by causeless and sharp invectives; yet they doubted not but they should overcome all this at last, if the people suffer not themselves to be deluded with false and specious shows, and so drawn to betray them, to their own undoing, who had ever been willing to hazard the undoing of themselves that they might not be betrayed by their neglect of the trust reposed in them: but if it were possible they should prevail herein, yet they would not fail, through God's grace, still to persist in their duties, and to look beyond their own lives, estates, and advantages, as those who think nothing worth the enjoying without the liberty, peace, and safety of the kingdom, nor any thing too good to be hazarded in discharge of [their[1]] consciences for the obtaining of it: and should always repose themselves upon the protection of Almighty God, which they were confident should

[1] ['our,' MS.]

1642 never be wanting to them while they sought his glory, as they had found it hitherto wonderfully going along with them in all their proceedings.'

202. With this Declaration they published the examinations of Mr. Goring, Mr. Percy's letter to the earl of Northumberland, (which were the great evidence they had of the plot of bringing up the army to awe the Parliament,) and several other letters and depositions, or rather such parts of depositions as contributed most to their purpose. For the truth is, as they never published, so much as to the Houses which were to judge, many depositions of witnesses whose testimonies in a manner vindicated the King from those aspersions which they had a mind should stick upon him, (for many such there were,) so of those which they did publish they left out many parts, which, being added, would either have obscured, or contradicted, or discredited, much of that out of which they made the people believe much to the King's disservice. And yet with all those ill arts and omissions, I presume many who without passion do now read those depositions, (for they are in all hands to be read,) do much marvel how such conclusions could result to his majesty's disadvantage out of the worst part of all that evidence, which could not naturally carry that sense to which it was wrested.

203. About this time (which I shall mention before the other Declaration, because it intervened) there happened an accident that gave them much trouble, and the more because unlooked for, by the Lord Keeper's quitting them and resorting to York, by which the King got the possession of his own Great Seal; which by all parties was at that time thought a most considerable advantage[1]. The King was very much unsatisfied with

[1] [From this point to § 214 the narrative is continued from the *Life*, pp. 161–164. The *History* (pp. 186–8) proceeds as follows:—

'Of which I must in justice say somewhat, for the memory and honour of the noble person who performed that service, whose modesty made him suffer under a groundless traducement of being compelled by the confidence of a bold and peremptory undertaker to what in truth he would not else have yielded unto, and so lost much of that reputation which was unquestionably due to his own merit and integrity. From his recovery of a great sickness, (which seized on him shortly after he was preferred to that great place, and which indeed robbed him for ever of much of that natural

the Lord Keeper Littleton, who did not appear so useful for his service as he expected, and from the time of the accusing the 1642

vigour and vivacity of mind which he had formerly enjoyed,) his compliance was so great and so visible, not only in not opposing that prevalent sense of the House which was prejudicial to the King, but in concurring with it in his own vote, very much against what his friends thought was agreeable to his understanding, insomuch as the potent and popular lords looked upon him as their own: and the King was so far unsatisfied with his carriage that once, after his majesty's being at York, he resolved to take the Great Seal from him, but was contented to be dissuaded from that resolution, partly for the difficulty, it being probable that the attempt would not have succeeded, by the interposition of the extravagant authority of the two Houses, partly that it was not easy to make choice of another fit for that trust who was like to be more faithful in it, (the terror of the Parliament having humbled all men to a strange compliance and submission,) but especially for that his majesty was assured by some whom he trusted that the affection of the lord Littleton was very entire to his service, and his compliance only artificial, to preserve himself in a capacity of serving him; which was true. Whilst this cloud hung over him, one evening I visited him, and speaking freely with him, (as he always gave me great encouragement to do, being well assured I bore a just respect and kindness to him, and well knowing I was not without some trust with his majesty, and of most intimate friendship with some that had more,) I told him the censure and hazard he ran by the notable compliance and correspondence he had with that party which the King understood to be factious against his just regal power; of some votes in which his lordship had particularly concurred, which were generally understood to be contrary to law, in which his knowledge was unquestionable; mentioning to him a late vote upon the militia, and some declaration or message, full of disrespective language, which had been not long before sent to the King; in both which his concurrence was notorious, and much spoken of. To the particulars he answered by telling me the story and circumstances of the debate, and the manner of his concurrence, which, though it made the matter more specious on his behalf than was generally reported, he well discerned gave me no satisfaction in the main; whereupon he said, "I will deal freely with you, and tell you my heart; and if upon consideration you think the course I take be not most advantageous to the King, I will do as I shall be advised." He then told me the straits he was in; that the governing lords had a terrible apprehension of the King's sending for the Great Seal, and that nothing but his fair deportment towards them and seeming to be of their mind prevented their taking the Seal in their own custody, allowing it only to be with him whilst he sat in the House and in the court; that they had made some order to that purpose if by his interest with them he had not prevented it, well knowing that it would prove most fatal to the King, who, he foresaw, must be shortly compelled to wish the Great Seal with him for many reasons. "Now," said he, "let it be considered, whether my voting with them in such particulars which my not voting with them cannot prevent, be of equal prejudice to the King with the Seal's being put into such

1642 members had lost all his vigour, and, instead of making any opposition to any of their extravagant debates, he had silently

a condition that the King shall never be able to get it when it is most necessary for him, which undoubtedly will be the case when, by my carriage and opposition against them, their confidence towards me shall be lessened." To which he added, that when he failed to serve the King in an article of moment, or to come to him when he sent for him, he would be worthily censured. The substance of this discourse was not long concealed from the King, who shortly after (his occasions requiring it) sent a gentleman with a warrant to receive the Seal, and a very kind letter, all under the King's own hand, to the Lord Keeper, to require him to make all possible haste to him; which message his lordship was so well prepared to receive and resolved to obey, that he went purposely out of the town to his house in the country, fifteen miles out of London, upon pretence to take the air for his health, on Saturday night, when the gentleman employed in that errand came to him and received the Seal from him; his lordship very early on Sunday morning taking another way on horseback, and arrived safe at York with his majesty the next day after the gentleman had delivered the Seal to his majesty with some expressions of his own dexterity and courage in the service, which had no other ground than the confidence of the relator, who, I presume, without malice to the person of the Lord Keeper, thought only of doing himself good, and drawing such a reward as might be proportionable to the merit of the work, according to the account he gave of it. Which report got the more credit by some indisposition and visible dejectedness of the Keeper upon his coming to York, and that the Seal for a long time was not re-delivered to him, though never used but in his presence, but always kept in the King's bedchamber; whereas the first proceeded (besides that he was never a good courtier) from the habit of awe and terror which he had contracted at Westminster, and which he could not speedily shake off, and so was not without some hesitation in the fixing the Seal to some proclamations which were in a higher dialect than had used to pass his hand, of which wariness his adversaries made use to his prejudice; and the other was only that the Seal being in so secure a place as the King's own bedchamber, no attempt might be made, by the treachery of a friend or the infidelity of a servant, to carry it back to London; which no vigilance of the Keeper himself, in those narrow accommodations all men were supplied with there, could probably have prevented. And from this security, in no wise intended as a reproach to the Keeper, his lordship had so great ease and quiet that when the King (understanding that it was talked of abroad as proceeding from his majesty's distrust of the Keeper) sent for him, and would have delivered it to him, assuring him that his confidence was as great in him as ever, the Lord Keeper besought his majesty that he would not expose him to so much anxiety as must accompany that charge in the danger and hazard of a march, when it was not possible for any care of his to prevent the possibility of its being stolen or forced from him, but that it might be continued in the same safety under his majesty's own care, till he were fixed in such a place as he might be reasonably responsible for it; and so when his majesty was settled

suffered all things to be carried; and had not only declined the performing the office the King had enjoined him with reference to the earls of Essex and Holland, (before mentioned,) but very much complied with and courted that party of both Houses, which frequently resorted to him; and of late, in a question which had been put in the House of Peers in the point of the militia, he had given his vote both against the King and the law, to the infinite offence and scandal of all those who adhered to the King. 1642 [May 5 ?]

204. He was a man of great reputation in the profession of the law, for learning, and all other advantages which attend the most eminent men; he was of a very good extraction in Shropshire, and inherited a fair fortune and inheritance from his father; he was a handsome and a proper man, of a very graceful presence, and notorious for courage, which in his youth he had manifested with his sword; he had taken great pains in the hardest and most knotty part of the law, as well as that which was more customary; and was not only very ready and expert in the books, but excellently versed in records, in studying and examining whereof he had kept Mr. Selden company, with whom he had great friendship and who had much assisted him; so that he was looked upon as the best antiquary of the profession who gave himself up to practice; and, upon the mere strength of his own abilities, he had raised himself into the first rank of

in Oxford, where the Lord Keeper had convenient accommodation of lodgings, the Seal was re-delivered to him, and remained in his hands till his death. As soon as it was known to the two Houses that the Lord Keeper was gone to the King, that is, on Monday morning, the 23rd of May, the Lords in great fury made this following order: "It is this day ordered by the Lords in Parliament, that the gentleman usher attending this House, or his deputy, shall forthwith take into custody the right honourable Edward lord Littleton, and bring him and the Great Seal of England (if it be in his custody) before the Lords in Parliament." Which order was directed to the gentleman usher attending the House, or his deputy, and to all mayors, justices of the peace, sheriffs, and other his majesty's officers, to be aiding and assisting to the said gentleman usher and his deputies; which was a strange warrant to be sent about the country, as this very carefully was, for the apprehension of a Lord Keeper of the Great Seal of England, who, according to the trust reposed in him, was gone to wait upon the King his master. All which circumstances,' &c. *as in* § 214.]

1642 the practisers in the common law courts, and was chosen
1631 Recorder of London before he was called to the Bench, and grew
Dec. presently into the highest practice in all the other courts as well as those of the law. When the King looked more narrowly into his business, and found that he should have much to do in Westminster Hall, he removed an old, useless, illiterate person[1], who had been put into that office by the favour of the duke of
1634 Buckingham, and made Littleton his Solicitor General, much to
Oct. 17. his honour, but not to his profit; the obligation of attendance upon that office depriving him of much benefit he used to acquire by his practice before he had that relation. Upon the death of the lord Coventry, and Finch being made Keeper, he
1640 was made Chief Justice of the Common Pleas, then the best
Jan. 27. office of the law, and that which he was wont to say, in his highest ambition, in his own private wishes he had most desired; and it was indeed the sphere in which he moved most gracefully and with most advantage, being a master of all that learning and knowledge which that place required, and an excellent judge, of great gravity, and above all suspicion of corruption.

205. Whilst he held this place, he was, by the favour of the archbishop of Canterbury and the earl of Strafford, who had a great esteem of him, recommended to the King to be called to the Council table, where he kept up his good name; and upon the lord Finch's leaving the kingdom, in the beginning of the
1641 Parliament, he was thought in many respects to be the fittest to
Jan. 23. be intrusted in that office; and, upon the desire of the earl
Feb. 18. of Strafford after he was in the Tower, was created a baron, out of expectation that by his authority and knowledge of the law he would have been of great use in restraining those extraordinary and unwarrantable proceedings: but from the time he had the Great Seal he seemed to be out of his element, and in some perplexity and irresolution in the Chancery itself, though he had great experience in the practice and proceedings of that court, and made not that despatch that was expected. At the Council table and in the Parliament he did not preserve any

[1] [Rich. Shilton, or Sheldon.]

dignity; and appeared so totally dispirited that few men 1642
shewed any respect to him but they who most opposed the King, who indeed did exceedingly apply themselves to him, and were with equal kindness received by him. This wonderful alteration in him his friends believed to have proceeded from a great sickness which had seized upon him very soon after he was created a baron, insomuch as every man believed he would die, and by this means he did not attend the House in some months, and so performed none of those offices towards the earl of Strafford the expectation whereof had been the sole motive to that promotion: from that time he never did appear the same man; but sure there were other causes for it, and he was possessed with some melancholic apprehensions which he could not master, and had no friend to whom he durst entirely communicate.

206. Mr. Hyde [1], who had always had a great respect for the Keeper, and endeavoured to dispose his two friends to the same inclination, was as much troubled at his behaviour as any man, and, using frequently to go to him, went upon that occasion; and with great freedom and plainness told him how much he had lost the esteem of all good men, and that the King could not but be exceedingly dissatisfied with him; and discoursed over the matter of that vote. Though he did not know that the King did at that time put so great a secret trust in Mr. Hyde,

[1] [This passage originally began thus in the MS.:—
'Mr. Hyde, who was one of those who was most trusted by the King in the House of Commons, had always borne a great respect to him, having still received much countenance and kindness from him, and had endeavoured to introduce a familiarity and conversation between him and the lord Falkland and sir Jo. Culpepper from the time of their coming to the board, and carried them to dinner to him; which he embraced with great inclination: but it can hardly be imagined that a gentleman who had always conversed with the best men, and had had so great experience in business, could be so unskilful and ungracious in drawing a value and estimation of himself from other men, or could [2] appear so little acquainted with the common affairs of the world, or the nature of mankind: and his concurrence in that vote of the militia (which was touched before) took away all reverence towards him from those two noble persons, insomuch as they thought it not safe to trust him with any free discourse. Mr. Hyde was as much troubled,' &c. *as in l.* 3, *supra.*]

[2] ['that could,' MS.]

1642 yet he knew well that the King had a very good opinion of him, and had heard his majesty often from the beginning of the Parliament, when the discourse happened to be of the lawyers of the House, take occasion from thence to mention Mr. Hyde as a man of whom he heard very well; which the Keeper had many times taken notice of to him: and then he knew the friendship that was between the lord Falkland and him, and had heard the many jealousies which were contracted upon the great communication he had with the two new councillors; and so no doubt believed that he knew much of the King's mind. And so as soon as he had entered upon this discourse, which he heard with all attention, they being by themselves in his study at Exeter House, he rose from his chair and went to the door, and finding some persons in the next room, he bade them to withdraw; and so, locking both the door of that room and of his study, he sat down himself, and making Mr. Hyde sit down in another chair, he began with giving him many thanks for his friendship to him, which, he said, he had ever esteemed, and he could not more manifest the esteem he had of it and him than by using that freedom again with him which he meant to do. Then he lamented his own condition, and that he had been preferred from the Common Pleas, where he knew both the business and the persons he had to deal with, to the other high office he now held, which obliged him to converse and transact with another sort of men, who were not known to him, and in affairs which he understood not, and had not one friend amongst them with whom he could confer upon any doubt which occurred to him.

207. He spake then of the unhappy state and condition of the King's business, how much he had been, and was still, betrayed by persons who were about him; and with all possible indignation against the proceedings of the Parliament; and said, 'they would never do this if they were not resolved to do more: that he knew the King too well, and observed the carriage of particular men too much and the whole current of public transactions these last five or six months, not to foresee that it could not be long before there would be a war between the King and the

two Houses; and of the importance in that season that the 1642
Great Seal should be with the King.' Then he fell into many expressions of his duty and affection to the King's person as well as to his high degree, and that 'no man should be more ready to perish with and for his majesty than he would be; that the prospect he had of this necessity had made him carry himself towards that party with so much compliance that he might be gracious with them, at least that they might have no distrust of him; which he knew many had endeavoured to infuse into them, and that there had been a consultation within few days whether, in regard he might be sent for by the King, or that the Seal might be taken from him, it would not be best to appoint the Seal to be kept in some such secure place as that there might be no danger of losing it, and that the Keeper should always receive it for the execution of his office; they having no purpose to disoblige him. And the knowledge he had of this consultation, and fear he had of the execution of it, had been the reason why in the late debate upon the militia he had given his vote in such a manner as he knew would make very ill impressions with the King and many others who did not know him very well; but that if he had not in that point submitted to their opinion, the Seal had been taken from him that night; whereas by this compliance in that vote, which could only prejudice himself and not the King, he had gotten so much into their confidence that he should be able to preserve the Seal in his own hands till the King required it; and then he would be as ready to attend upon his majesty with it.'

208. Mr. Hyde was very well pleased with this discourse; and asked him, 'whether he would give him leave, when there should be a fit occasion, to assure the King that he would perform this service when the King should require it?' He desired that he would do so, and pass his word for the performance of it as soon as his majesty pleased; and so they parted.

209. It was within very few days after that the King, exceedingly displeased and provoked with the Keeper's behaviour, sent an order to the lord Falkland to require the Seal from him; in which the King was very positive, though he was not

1642 resolved to what hand to commit it. His majesty wished them (for he always included the other two in such references) to consider whether he should give it to the Lord Chief Justice Bankes, (against whom he made some objection himself,) or into the hands of Mr. Selden; and to send their opinion to him. The order was positive for the requiring it from the present officer, but they knew not how to advise for a successor. The Lord [Chief Justice] Bankes appeared to be as much afraid as the other, and not thought equal to that charge in a time of so much disorder, though otherwise he was a man of great abilities and unblemished integrity. They did not doubt of Mr. Selden's affection to the King, but withal they knew him so well that they concluded he would absolutely refuse the place if it were offered to him: he was in years, and of a tender constitution; he had for many years enjoyed his ease, which he loved, was rich, and would not have made a journey to York, or have lain out of his own bed, for any preferment, which he had never affected.

210. Being all the three of one mind that it would not be fit to offer it to the one or the other, hereupon Mr. Hyde told them the conference he had had with the Keeper, and the professions he had made, and was very confident that he would very punctually perform it; and therefore proposed that they might, with their opinions of the other persons, likewise advise his majesty to suspend his resolution concerning the Lord Keeper, and rather to write kindly to him to bring the Seal to his majesty, instead of sending for the Seal itself and to cast him off; and offered to venture his own credit with the King upon the Keeper's complying with his majesty's command. Neither of them were of his opinion, and had both no esteem of the Keeper, nor believed that he would go to his majesty if he were sent for, but that he would find some trick to excuse himself; and therefore were not willing that Mr. Hyde should venture his reputation upon it. He desired them then to consider how absolutely necessary it was that the King should first resolve into what hand to put the Seal before he removed it; for that it could not be unemployed one hour but that the whole justice

of the kingdom would be out of order, and draw a greater and a juster clamour than had been yet: that there was as much care to be taken that it should not be in the power of any man to refuse it, which would be yet more prejudicial to his majesty. He desired them, above all, to weigh well that the business consisted only in having the Great Seal in the place where his majesty resolved to be; and if the Keeper would keep his promise, and desired to serve and please the King, it would be unquestionably the best way that he and the Seal were both there: if, on the other side, he were not an honest man, and cared not for offending the King, he would then refuse to deliver it, and inform the Lords of it, who would justify him for his disobedience and reward and cherish him, and he must then hereafter serve their turn; the mischieve whereof would be greater than could be easily imagined: and his [majesty's] own Great Seal should be every day used against him, nor would it be possible in many months to procure a new one to be made. 1642

211. These objections appeared of weight to them, and they resolved to give an account of the whole to the King, and to expect his order: and both the lord Falkland and Mr. Hyde writ to his majesty, and sent their letters away that very night. The King was satisfied with the reasons, and was very glad that Mr. Hyde was so confident of the Keeper, though, he said, he remained still in doubt; and resolved that he would, such a day of the week following, send for the Keeper and the Seal; and that it should be, as had been advised, upon a Saturday afternoon, as soon as the House of Lords should rise, because then no notice could be taken of it till Monday. Mr. Hyde, who had continued to see the Keeper frequently, and was confirmed in his confidence of his integrity, went now to him; and, finding him firm to his resolution, and of the opinion, in regard of the high proceedings of the Houses, that it should not be long deferred, he told him that he might expect a messenger the next week, and that he should once more see him, when he would tell him the day; and that he would then go himself away before him to York; with which he was much pleased. And it was agreed between the three, that it was now time that

1642 he should be gone (the King having sent for him some time before) after a day or two; in which time the Declaration of the nineteenth of May would be passed[1].

May 21. 212. On the Saturday following, between two and three of the clock in the afternoon, Mr. Ellyott, a groom of the bed-chamber to the Prince, came to the Keeper, and found him alone in the room where he used to sit, and delivered him a letter from the King in his own hand, wherein he required him, with many expressions of kindness and esteem, 'to make haste to him; and if his indisposition' (for he was often troubled with gravel and sharpness of urine) 'would not suffer him to make such haste upon the journey as the occasion required, that he should deliver the Seal to the person who gave him the letter, who, being a strong young man, would make such haste as was necessary; and that he might make his own journey by those degrees which his health required.' The Keeper was surprised with the messenger, whom he did not like, and more when he found that he knew the contents of the letter, which he hoped would not have been communicated to any man who should be sent: he answered him with much reservation; and when the other with bluntness, (as he was no polite man,) demanded the Seal of him, which he had not thought of putting out of his

[1] [The following passage relating to Hyde's own journey is here struck out in the MS. of the *Life*, pp. 163–4.

'—which, being very long, he might carry with him, and prepare the answer upon the way or after he came to York. It was upon a Wednesday that he resolved to begin his journey, having told the Speaker that it was very necessary by the advice of his physician that he should take the air of the country for his health, and his physician certified the same; which caution was necessary, for he had a week or two before made a journey into the country to his own house, and, his absence being taken notice of, a messenger was immediately sent to him, to require him immediately to attend the House, upon which he found it necessary to return without delay, and was willing to prevent the like sudden enquiry, and so prepared the Speaker to answer for him. He resolved with the Lord Falkland to stay at a friend's house near Oxford, and a little out of the road he meant to take for York, till he should hear of the Keeper's motion, of which he[2] promised to give him timely notice, not giving in the mean time any credit to his purpose of moving; but he was quickly convinced.']

[2] [Lord Falkland.]

own hands, he answered him that 'he would not deliver it into any hands but the King's:' but presently recollecting himself, and looking over his letter again, he quickly considered that it would be hazardous to carry the Seal himself such a journey; and that if by any pursuit of him, which he could not but suspect, he should be seized upon, the King would be very unhappily disappointed of the Seal, which he had reason so much to depend upon; and that his misfortune would be wholly imputed to his own fault and infidelity, (which, without doubt, he abhorred with his heart,) and the only way to prevent that mischieve, or to appear innocent under it, was to deliver the Seal to the person trusted by the King himself to receive it. And so, without telling him any thing of his own purpose, he delivered the Seal into his hands; and he forthwith put himself on his horse, and with wonderful expedition presented the Great Seal into his majesty's own hands, who was infinitely pleased with it and with the messenger. 1642

213. The Keeper that evening pretended to be indisposed, and that he would take his rest early, and therefore that nobody should be admitted to speak with him: and then he called sergeant Lee to him, who was the sergeant who waited upon the Seal, and in whom he had great confidence, as he well might, and told him freely that 'he was resolved, the next morning, to go to the King, who had sent for him; that he knew well how much malice he should contract by it from the Parliament, which would use all the means they could to apprehend him, and he himself knew not how he should perform the journey; therefore he put himself entirely into his hands; that he should cause his horses to be ready against the next morning, and only his own groom to attend them, and he to guide the best way, and that he would not impart it to any other person.' The honest sergeant was very glad of the resolution, and cheerfully undertook all things for the journey; and so, sending the horses out of the town, the Keeper put himself in his coach very early the next morning, and as soon as they were out of the town, he and the sergeant, and one groom, took their horses, and made so great a journey that day, it being about the beginning of

1642 June, that before the end of the third day he kissed the King's
May 24. hands at York.

214. He had purposely procured the House of Peers to be adjourned to a later hour in the morning for Monday than it used to be. Sunday passed without any man's taking notice of the Keeper's being absent; and many, who knew that he was not at his house, thought he had been gone to Cranford, his country house, whither he frequently went on Saturday nights, and was early enough at the Parliament on the Monday mornings; and so the Lords the more willingly consented to the later
May 23. adjournments for those days. But on Monday morning, when it was known when, and in what manner, he had left his house, the confusion in both Houses was very great; and they who had thought that their interest was so great in him that they knew all his thoughts, and had valued themselves, and were valued by others, upon that account, hung down their heads, and were even distracted with shame. However, they could not but conclude that he was out of their reach before the Lords met; yet to shew their indignation against him, and it may be in hope that his infirmities would detain him long in the journey, (as nobody indeed thought that he could have performed it with that expedition,) they issued out such a warrant for the apprehending him as had been in the case of the foulest felon or murderer, and printed it, and caused it to be dispersed by expresses over all the kingdom, with great haste[1]. All which circumstances, both before and after the Keeper's journey to York, are the more particularly and at large set down, out of justice to the memory of that noble person; whose honour suffered then much in the opinion of many by the confident report of the person who was sent for and received the Seal, and who was a loud and a bold talker, and desired to have it believed that his manhood had ravished the Great Seal from the Keeper, even in spite of his teeth[2]; which, how impossible soever in itself, found too much credit; and is therefore cleared by this very

[1] [Here the text is resumed from the *History*, p. 188.]

[2] [Elliot in a letter to Lord Digby ascribed his success only to his own importunity; Rushworth, III. i. 718–9.]

true and punctual relation, which in truth is but due to him. 1642

215. But the trouble and distraction which at this time possessed them was visibly very great; and their dejection such that, the same day, the lord of Northumberland (who had been of another temper) moved, 'that a committee might be appointed to consider how there might be an accommodation between the King and his people, for the good, happiness, and safety of both King and kingdom;' which committee was appointed accordingly. May 23.

216. This temper of accommodation troubled them not long, new warmth and vigour being quickly infused into them by the unbroken or undaunted spirits of the House of Commons; which, to shew how little they valued the power or authority of the King, though supported by having now his Great Seal by him, on the 26th of May agreed on a new Remonstrance to the people; in which, the Lords concurring, they informed them that, May 26.

217. 'Although the great affairs of the kingdom, and the miserable bleeding condition of the kingdom of Ireland, afforded them little leisure to spend their time in declarations and in answers and replies, yet the malignant party about his majesty taking all occasions to multiply calumnies upon the Houses of Parliament, and to publish sharp invectives under his majesty's name against them and their proceedings, (a new engine they had invented, to heighten the distractions of this kingdom, and to beget and increase distrust and disaffection between the King and his Parliament and the people,) they could not be so much wanting to their own innocency, or to the duty of their trust, as not to clear themselves from those false aspersions, and (which was their chiefest care) to disabuse the people's minds, and open their eyes, that, under the false shows and pretexts of the law of the land and of their own rights and liberties, they may not be carried into the road-way that leadeth to the utter ruin and subversion thereof. A late occasion that those wicked spirits of division had taken to defame, and indeed to arraign, the proceedings of both Houses of Parliament, had been from their votes of the 28th of April, and their Declaration concerning the business of Hull, which because they put forth before they could send their answer concerning that matter unto his majesty, those mischievous instruments of dissension between the King and the Parliament and the people, whose chief labour and study was to misrepresent their actions to his majesty and to the kingdom, would needs interpret this as an appeal to the people and a declining of all intercourse between his majesty and them, as if they thought it to no purpose to endeavour any more to give his majesty satisfaction;

1642 and, without expecting any longer their answer, under the name of a message from his majesty to both Houses, they themselves had indeed made an appeal to the people, as the message itself did in a manner grant it to be, offering to join issue with them in that way, and in the nature thereof did clearly shew itself to be no other. Therefore they would likewise address their answer to the kingdom, not by way of appeal, (as they were charged,) but to prevent them from being their own executioners, and from being persuaded, under false colours of defending the law and their own liberties, to destroy both with their own hands, by taking their lives, liberties, and estates out of their hands whom they had chosen and intrusted therewith, and resigning them up unto some evil counsellors about his majesty, who could lay no other foundation of their own greatness but upon the ruin of this, and, in it, of all parliaments; and, in them, of the true religion and the freedom of this nation. And these,' they said, 'were the men that would persuade the people that both Houses of Parliament, containing all the peers, and representing all the commons of England, would destroy the laws of the land and liberties of the people; wherein, besides the trust of the whole, they themselves, in their own particulars, had so great an interest of honour and estate, that they hoped it would gain little credit with any that had the least use of reason that such as must have so great a share in the misery should take so much pains in the procuring thereof, and spend so much time, and run so many hazards, to make themselves slaves, and to destroy the property of their estates. But that they might give particular satisfaction to the several imputations cast upon them, they would take them in order, as they were laid upon them in that message.

218. 'First, they were charged for the avowing that act of sir John Hotham; which was termed *unparalleled*, and *an high and unheard of affront unto his majesty*, and as if they needed not to have done it; he being able, as was alleged, to produce no such command of the Houses of Parliament.' They said, 'although sir John Hotham had not an order that did express every circumstance of that case, yet he might have produced an order of both Houses which did comprehend this case, not only in the clear intention but in the very words thereof; which they knowing in their consciences to be so, and to be most necessary for the safety of the kingdom, they could not but in honour and justice avow that act of his, which they were confident would appear to all the world to be so far from being an affront to the King that it would be found to have been an act of great loyalty to his majesty and to his kingdom.

219. 'The next charge upon them was, that, instead of giving his majesty satisfaction, they published a Declaration concerning that business, as an appeal to the people, and as if their intercourse with his majesty and for his satisfaction were now to no more purpose; which course was alleged to be very unagreeable to the modesty and duty of former times, and not warrantable by any precedents but what themselves had made.' They said, 'if the penner of that message had expected a while, or had not expected that two Houses of Parliament (especially burdened as they were at that time with so many pressing and urgent affairs) should have moved as fast as himself, he would not have said that Declaration was instead of an answer to his majesty; which they did despatch with all the speed and

diligence they could, and had sent it to his majesty by a committee of both Houses; whereby it appeared that they did it not upon that ground, that they thought it was no more to any purpose to endeavour to give his majesty satisfaction. 1642

220. 'And as for the duty and modesty of former times, from which they were said to have varied, and to want the warrant of any precedents therein but what themselves had made: if they had made any precedents this parliament, they had made them for posterity upon the same or better grounds of reason and law than those were upon which their predecessors first made for them: and as some precedents ought not to be rules for them to follow, so none could be limits to bound their proceedings, which might and must vary, according to the different conditions of times. And for that particular, of setting forth Declarations for the satisfaction of the people who had chosen and intrusted them with all that was dearest to them, if there were no example for it, it was because there were never any such monsters before that ever attempted to disaffect the people from a Parliament, or could ever harbour a thought that it might be effected. Were there ever such practices to poison the people with an ill apprehension of the Parliament? Were there ever such imputations and scandals laid upon the proceedings of both Houses? Were there ever so many and so great breaches of the privilege of Parliament? Were there ever so many and so desperate designs of force and violence against the Parliament and the members thereof? If they had done more than ever their ancestors had done,' they said, 'they had suffered more than ever they had suffered; and yet in point of modesty and duty they would not yield to the best of former times; and they would put that in issue, whether the highest and most unwarrantable precedents of any of his majesty's predecessors did not fall short and much below what had been done to them this Parliament? And, on the other side, whether, if they should make the highest precedents of other parliaments their patterns, there would be cause to complain of want of modesty and duty in them, when they had not so much as suffered such things to enter into their thoughts which all the world knew they had put in act?

221. 'Another charge which was laid very high upon them, (and which was indeed a very great crime if they were found guilty thereof,) was, that by avowing that act of sir J. Hotham they did in consequence confound and destroy the title and interest of all his majesty's good subjects to their lands and goods; and that upon this ground, that his majesty had the same title to his town of Hull which any of his subjects had to their houses or lands, and the same to his magazine and munition there that any man had to his money, plate, or jewels: and, therefore, that they ought not to have been disposed of without or against his consent, no more than the house, land, money, plate, or jewels, of any subject ought to be without or against his will.

222. 'Here,' they said, 'that was laid down for a principle which would indeed pull up the very foundation of the liberty, property, and interest of every subject in particular, and of all the subjects in general, if they should admit it for a truth, that his majesty had the same right and title to his towns and to his magazines, (bought with the public moneys, as they

1642 conceived that at Hull to have been,) that every particular man hath to his house, lands, and goods. For his majesty's towns were no more his own than his kingdom was his own; and his kingdom was no more his own than his people are his own; and if the King had a property in all his towns, what would become of the subjects' property in their houses therein? and if he had a property in his kingdom, what would become of the subjects' property in their lands throughout the kingdom? or of their liberties, if his majesty had the same right in their persons that every subject hath in his lands and goods? and what would become of all the subjects' interests in the towns and forts of the kingdom, and in the kingdom itself, if his majesty might sell or give them away, or dispose of them at his pleasure, as a particular man might do with his lands and with his goods? This erroneous maxim being infused into princes, that their kingdoms are their own, and that they may do with them what they will, as if their kingdoms were for them and not they for their kingdoms, was,' they said, 'the root of all the subjects' misery, and of the invading of their just rights and liberties; whereas, indeed, they are only intrusted with their kingdoms, and with their towns, and with their people, and with the public treasure of the commonwealth and whatsoever is bought therewith; and by the known law of this kingdom the very jewels of the Crown are not the King's proper goods but are only intrusted to him for the use and ornament thereof: as the towns, forts, treasure, magazines, offices, and the people of the kingdom, and the whole kingdom itself, is intrusted unto him for the good and safety and best advantage thereof: and as this trust is for the use of the kingdom, so ought it to be managed by the advice of the Houses of Parliament whom the kingdom hath trusted for that purpose, it being their duty to see it discharged according to the condition and true intent thereof, and, as much as in them lies, by all possible means to prevent the contrary; which if it had been their chief care and only aim in the disposing of the town and magazine of Hull in such manner as they had done, they hoped it would appear clearly to all the world that they had discharged their own trust, and not invaded that of his majesty, much less his property; which in that case they could not do.

223. 'But admitting his majesty had indeed had a property in the town and magazine of Hull, who doubted but that a Parliament may dispose of any thing wherein his majesty, or any subjects, hath a right, in such a way as that the kingdom may not be exposed to hazard or danger thereby? which was their case in the disposing of the town and magazine of Hull. And whereas his majesty did allow this, and a greater, power to a Parliament, but in that sense only as he himself was a part thereof, they appealed to every man's conscience that had observed their proceedings whether they disjoined his majesty from his Parliament, who had in all humble ways sought his concurrence with them, as in that particular about Hull and for the removal of the magazine there, so also in all other things; or whether those evil counsels about him had not separated him from his Parliament, not only in distance of place, but also in the discharge of the joint trust with them for the peace and safety of the kingdom in that and some other particulars.

224. 'They had given no occasion to his majesty,' they said, 'to declare

with so much earnestness his resolution that he would not suffer either or both Houses by their votes, without or against his consent, to enjoin any thing that was forbidden by the law, or to forbid any thing that was enjoined by the law; for their votes had done no such thing: and as they should be very tender of the law, (which they did acknowledge to be the safeguard and custody of all public and private interests,) so they would never allow a few private persons about the King, nor his majesty himself in his own person and out of his courts, to be judge of the law, and that contrary to the judgment of the highest court of judicature. In like manner, that *his majesty had not refused to consent to any thing that might be for the peace and happiness of the kingdom,* they could not admit it in any other sense but as his majesty taketh the measure of what will be for the peace and happiness of his kingdom from some few ill affected persons about him, contrary to the advice and judgment of his Great Council of Parliament. And because the advice of both Houses of Parliament had, through the suggestions of evil counsellors, been so much undervalued of late, and so absolutely rejected and refused,' they said, 'they held it fit to declare unto the kingdom, whose honour and interest was so much concerned in it, what was the privilege of the Great Council of Parliament herein, and what was the obligation that lay upon the kings of this realm to pass such bills as are offered to them by both Houses of Parliament in the name and for the good of the whole kingdom, whereunto they stand engaged both in conscience and in justice to give their royal assent. 1642

225. In *conscience,* in regard of the oath that is, or ought to be, taken by the kings of this realm at their coronation, as well to confirm by their royal assent such good laws as the people shall choose, and to remedy by law such inconveniences as the kingdom may suffer, as to keep and protect the laws already in being; as may appear both by the form of the oath upon record, and in books of good authority, and by the statute of the 25 of Edward III. entitled, *The Statute of Provisors of Benefices;* the form of which oath, and the clause of the statute that concerneth it, are as followeth:

226. Rot. Parliament. [1] H. IV. *n.* 17[1].

Forma juramenti soliti et consueti præstari per reges Angliæ in eorum coronatione.

Servabis ecclesiæ Dei, cleroque, et populo, pacem ex integro et concordiam in Deo, secundum vires tuas? Respondebit, *Servabo.*

Facies fieri in omnibus judiciis tuis æquam et rectam justitiam, et discretionem in misericordia et veritate, secundum vires tuas? Respondebit, *Faciam.*

Concedis justas leges et consuetudines esse tenendas; et promittis per te eas esse protegendas, et ad honorem Dei corroborandas, quas vulgus elegerit, secundum vires tuas? Respondebit, *Concedo et promitto.*

Adjicianturque prædictis interrogationibus quæ justa fuerint. Prænunciatisque omnibus, confirmet Rex se omnia servaturum, sacramento super altare præstito, coram cunctis.

[1] [*Rot. Parl.* vol. III. p. 417.]

1642 227. A clause in the preamble of a statute made 25 Edw. III. entitled, *The Statute of Provisors of Benefices*[1].

Whereupon the said Commons have prayed our said lord the King, That sith the right of the Crown of England, and the law of the said realm, is such, that upon the mischieves and damages which happen to this realm, he ought, and is bound by his oath, with the accord of his people in his Parliament, thereof to make remedy and law, and, in removing the mischieves and damages which thereof ensue, that it may please him thereupon to ordain remedy.

Our lord the King, seeing the mischieves and damages before mentioned, and having regard to the statute made in the time of his said grandfather, and to the causes contained in the same, which statute holdeth always his force, and was never defeated, repealed, nor annulled in any point, and by so much he is bounden by his oath to cause the same to be kept as the law of his realm, though that by sufferance and negligence it hath been sithence attempted to the contrary: also having regard to the grievous complaints made to him by his people, in divers his Parliaments holden heretofore; willing to ordain remedy for the great damages, and mischieves which have happened and daily do happen to the Church of England by the said cause:—

228. 'Here,' they said, 'the Lords and Commons claim it directly as the right of the Crown of England, and of the law of the land, and that the King is bound by his oath, with the accord of his people in Parliament, to make remedy and law upon the mischieves and damages which happen to this realm; and the King doth not deny it, although he take occasion from a statute formerly made by his grandfather, which was laid as part of the grounds of this petition, to fix his answer upon another branch of his oath, and pretermits that which is claimed by the Lords and Commons; which he would not have done if it might have been excepted against.

229. 'In *justice*,' they said, 'they are obliged thereunto, in respect of the trust reposed in them; which is as well to preserve the kingdom by the making new laws, where there shall be need, as by observing of laws already made; a kingdom being many times as much exposed to ruin for the want of a new law as by the violation of those that are in being: and this is so clear a right that, no doubt, his majesty would acknowledge it to be as due to his people as his protection. But how far forth he was obliged to follow the judgment of his Parliament therein, that is the question. And certainly, besides the words in the King's oath referring unto such laws as the people shall choose, as in such things which concern the public weal and good of the kingdom they are the most proper judges who are sent from the whole kingdom for that very purpose, so they did not find that since laws have passed by way of bills, (which are read thrice in both Houses, and committed, and every part and circumstance of them fully weighed and debated upon the commitment, and afterwards passed in both Houses,) that ever the kings of this realm did deny them otherwise than is expressed in that usual answer, *Le Roy l'avisera*; which signifies

[1] [*Rot. Parl.* vol. II. pp. 232–3; in French.]

rather a suspension than a refusal of the royal assent. And in those other laws which are framed by way of Petitions of Right, the Houses of Parliament have taken themselves to be so far judges of the right claimed by them that, when the King's answer hath not in every point been fully according to their desire, they have still insisted upon their claim, and never rested satisfied till such time as they had an answer according to their demand; as had been done in the late Petition of Right, and in former times upon the like occasion. And if the Parliament be judge between the King and his people in the question of right, (as by the manner in the claim in Petitions of Right, and by judgments in Parliament in cases of illegal impositions and taxes, and the like, it appears to be,) why should they not be so also in the question of the common good and necessity of the kingdom, wherein the kingdom hath as clear a right also to have the benefit and remedy of law as in any thing whatsoever? And yet they did not deny but that in private bills, and also in public acts of grace, as pardons and the like grants of favour, his majesty might have a greater latitude of granting or denying, as he should think fit. 1642

230. 'All this considered,' they said, 'they could not but wonder that the contriver of that message should conceive the people of this land to be so void of common sense, as to enter into so deep a mistrust of those whom they have and his majesty ought to repose so great a trust in, as to despair of any security in their private estates by descents, purchases, assurances, or conveyances, unless his majesty should by his vote prevent the prejudice they might receive therein by the votes of both Houses of Parliament; as if they who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a share in all grievances of the subject, had wholly cast off all care of the subject's good, and his majesty had solely taken it up; and [as] if it could be imagined that they should by their votes overthrow the rights of descents, purchases, or of any conveyance or assurance, in whose judgment the whole kingdom hath placed all their particular interesses, if any of them should be called in question in any of those cases; and that (as not knowing where to place them with greater security) without any appeal from them to any other person or court whatsoever.

231. 'But indeed they were very much to seek how the case of Hull could concern descents and purchases, or conveyances and assurances, unless it were in procuring more security to men in their private interesses by the preservation of the whole from confusion and destruction; and much less did they understand how the sovereign power was resisted and despised therein. Certainly no command from his majesty and his high court of Parliament, (where the sovereign power resides,) was disobeyed by sir John Hotham; nor yet was his majesty's authority derived out of any other court, nor by any legal commission, or by any other way wherein the law had appointed his majesty's commands to be derived to his subjects; and of what validity his verbal commands are, without any such stamp of his authority upon them, and against the order of both Houses of Parliament, and whether the not submitting thereunto be a resisting and despising of the sovereign authority, they would leave to all men to judge that do at all understand the government of this kingdom.

1642 232. 'They acknowledged that his majesty had made many expressions of his zeal and intentions against the desperate designs of the Papists; but yet it was also as true that the counsels which had prevailed of late with him had been little suitable to those expressions and intentions. For what did more advance the open and bloody design of the Papists in Ireland, (whereon the secret plots of the Papists here did in all likelihood depend,) than his majesty's absenting himself in that manner that he did from his Parliament, and setting forth such sharp invectives against them, notwithstanding all the humble petitions, and other means, which his Parliament had addressed unto him for his return and for his satisfaction concerning their proceedings? And what was more likely to give a rise to the designs of the Papists, (whereof there were so many in the north, near to the town of Hull,) and of other malignant and ill affected persons, (which were ready to join with them,) or to the attempts of foreigners from abroad, than the continuing of that great magazine at Hull at this time, and contrary to the desire and advice of both Houses of Parliament? So that they had too much cause to believe that the Papists had still some way and means whereby they had influence upon his majesty's counsels for their own advantage.

233. 'For the malignant party,' they said, 'his majesty needed not a definition of the law, nor yet a more full character of them from both Houses of Parliament. For, to find them out,—if he would please only to apply that character that himself had made of them, to those unto whom it doth properly and truly belong,—who are so much disaffected to the peace of the kingdom as they that endeavour to disaffect his majesty from the Houses of Parliament, and persuade him to be at such a distance from them both in place and affection? Who are more disaffected to the government of the kingdom than such as lead his majesty away from hearkening to his Parliament, which by the constitution of the kingdom is his greatest and best council, and persuade him to follow the malicious counsels of some private men, in opposing and contradicting the wholesome advices and just proceedings of that his most faithful council and highest court? Who are they that not only neglect and despise but labour to undermine the law, under colour of maintaining it, but they that endeavour to destroy the fountain and conservatory of the law, which is the Parliament? And who are they that set up rules for themselves to walk by, [other] than such as are according to law, but they that will make other judges of the law than the law hath appointed, and so dispense with their obedience to that which the law calleth authority, and to their determinations and resolutions to whom the judgment doth appertain by law? For when private persons shall make the law to be their rule according to their own understandings, contrary to the judgment of those that are the competent judges thereof, they set up unto themselves other rules than the law doth acknowledge. Who those persons were none knew better than his majesty himself: and if he would please to take all possible caution of them, as destructive to the commonwealth and himself, and would remove them from about him, it would be the most effectual means to compose all the distractions, and to cure the distempers of the kingdom.

234. 'For the lord Digby's letter,' they said, 'they did not make 1642
mention of it as a ground to hinder his majesty [from visiting[1]] his own fort; but they appealed to the judgment of any indifferent man that should read that letter, and compare it with the posture that his majesty then did and still doth stand in towards the Parliament, and with the circumstances of that late action of his majesty in going to Hull, whether the advisers of that journey intended only a visit of that fort and magazine.

235. 'As to the ways and overtures of accommodation, and the message of the 20th of January last, so often pressed, but still in vain, as was alleged; their answer was, that, although so often as that message of the 20th of January had been pressed, so often had their privileges been clearly infringed, that a way and method of proceeding should be prescribed to them as well for the settling of his majesty's revenue as for the presenting of their own desires, (a thing which in former Parliaments had always been excepted against as a breach of privilege,) yet, in respect to the matter contained in that message, and out of their earnest desire to beget a good understanding between his majesty and them, they swallowed down all matters of circumstance; and had ere that time presented the chief of their desires to his majesty, had they not been interrupted with continual denials even of those things that were necessary for their present security and subsistence, and had not those denials been followed with perpetual invectives against them and their proceedings; and had not those invectives been heaped upon them so thick one after another, (who were in a manner already taken up wholly with the pressing affairs of this kingdom and of the kingdom of Ireland,) that, as they had little encouragement from thence to hope for any good answers to their desires, so they had not so much time left them to perfect them in such a manner as to offer them to his majesty.

236. 'They confessed it a resolution most worthy of a prince, and of his majesty, to shut his ears against any that would incline him to a civil war, and to abhor the very apprehension of it. But they could not believe that mind to have been in them that came with his majesty to the House of Commons, or in them that accompanied his majesty to Hampton Court, and appeared in a warlike manner at Kingston-upon-Thames; or in divers of them who followed his majesty then lately to Hull; or in them who after drew their swords in York, demanding, *Who would be for the King?* nor in them that advised his majesty to declare sir John Hotham a traitor, before the message was sent concerning that business to the Parliament, or to make propositions to the gentlemen of the county of York to assist his majesty to proceed against him in a way of force, before he had or possibly could receive an answer from the Parliament, to whom he had sent to demand justice of them against sir John Hotham for that fact: and if those malignant spirits did ever force them to defend their religion, the kingdom, the privileges of Parliament, and the rights and liberties of the subjects, with their swords, the blood and destruction that should ensue thereupon must be wholly cast upon their account; God and their own

[1] [E. Husbands' *Collection*, &c., p. 272; 'to visit,' MS.]

1642 consciences told them that they were clear; and they doubted not but God and the whole world would clear them therein.

237. 'For captain Legg, they had not said that he was accused, or that there was any charge against him, for the bringing up of the army, but that he was employed in that business. And for that concerning the earl of Newcastle mentioned by his majesty, which was said to have been asked long since and that it was not easy to be answered; they conceived it was a question of more difficulty, and harder to be answered, why, when his majesty held it necessary, upon the same grounds that first moved from the Houses of Parliament that a governor should be placed in that town, sir John Hotham, a gentleman of known fortune and integrity, and a person of whom both Houses of Parliament had expressed their confidence, should be refused by his majesty, and the earl of Newcastle (who, by the way, was so far named in the business of bringing up the army that, although there was not ground enough for a judicial proceeding, yet there was ground of suspicion; at least his reputation was not left so unblemished thereby as that he should be thought the fittest man in England for that employment of Hull;) should be sent down in a private way from his majesty to take upon him that government, and why he should disguise himself under another name when he came thither, as he did? But whosoever should consider, together with those circumstances, that of the time when sir John Hotham was appointed by both Houses of Parliament to take upon him that employment, which was presently after his majesty's coming to the House of Commons, and upon the retiring himself to Hampton Court, and the lord Digby's assembling of cavaliers at Kingston-upon-Thames, would find reason enough why that town of Hull should be committed rather to sir John Hotham, by the authority of both Houses of Parliament, than to the earl of Newcastle, sent from his majesty in that manner that he was. And for the power that sir John Hotham had from the two Houses of Parliament, the better it was known and understood, they were confident the more it would be approved and justified: and as they did not conceive that his majesty's refusal to have that magazine removed could give any advantage against him to have it taken from him, and as no such thing was done, so they could not conceive for what other reason any should counsel his majesty not to suffer it to be removed upon the desire of both Houses of Parliament, except it were that they had an intention to make use of it against them.'

238. They said, 'they did not except against those that presented a petition to his majesty at York for the continuance of the magazine at Hull in respect of their condition or in respect of their number, because they were mean persons or because they were few; but because, they being but a few, and there being so many more in the county of as good quality as themselves, (who had by their petition to his majesty disavowed that act of theirs,) that they should take upon them the style of all *the gentry and inhabitants of that county*, and under that title should presume to interpose their advice contrary to the votes of both Houses of Parliament. And if it could be made to appear that any of those petitions that are said to have been presented to the Houses of Parliament, and to have been of a strange nature, were of such a nature as that, they were confident that they were never received with their consent and approbation.

239. 'Whether there was an intention to deprive sir John Hotham of his life, if his majesty had been admitted into Hull, and whether the information were such as that he had ground to believe it, they would not bring into question; for that was not, nor ought to have been, the ground for doing what he did: neither was the number of his majesty's attendants, for being more or fewer, much considerable in this case; for although it were true that if his majesty had entered with twenty horse only, he might haply have found means for to have forced the entrance of the rest of his train, who, being once in the town, would not have been long without arms; yet that was not the ground upon which sir John Hotham was to proceed[1], but upon the admittance of the King into the town at all, so as to deliver up the town and magazine unto him, and to whomsoever he should give the command thereof, without the knowledge and consent of both Houses of Parliament, by whom he was intrusted to the contrary. And his majesty having declared that to be his intention concerning the town, in a message that he sent to the Parliament not long before he went to Hull, saying that he did not doubt but that town should be delivered up to him whensoever he pleased, as supposing it to be kept against him; and in like manner concerning his magazine, in his message of the 24th of April, wherein it is expressed that his majesty went thither with a purpose to take into his hands the magazine, and to dispose of it in such manner as he should think fit; upon those terms sir John Hotham could not have admitted his majesty and have made good his trust to the Parliament, though his majesty would have entered alone, without any attendants at all of his own, or of the Prince or Duke, his sons; which they did not wish to be less than they were in their number, but could heartily wish that they were generally better in their conditions. 1642

240. 'In the close of that message his majesty stated the case of Hull, and thereupon inferred that the act of sir John Hotham was levying war against the king; and, consequently, that it was no less than high treason by the letter of the statute of the 25 Edw. III. cap. 2, unless the sense of that statute were very far differing from the letter thereof.

241. 'In the stating of that case,' they said, 'divers particulars might be observed wherein it was not rightly stated: as,

'First, that his majesty's going to Hull was only an endeavour to visit a town and fort of his: whereas it was indeed to possess himself of the town and magazine there, and to dispose of them as he himself should think good, without, and contrary to, the advice and orders of both Houses of Parliament; as did clearly appear by his majesty's own declaration of his intentions therein, by his messages to both Houses immediately before and after that journey. Nor could they believe that any man, who should consider the circumstances of that journey to Hull, could think that his majesty would have gone thither at that time, and in that posture that he was pleased to put himself in towards the Parliament, if he had intended only a visit of the town and magazine.

'Secondly, it was said to be his majesty's own town and his own

[1] ['proceed upon,' MS. 'that sir John Hotham was to proceed upon;' Husbands' *Collection*, p. 275.]

1642 magazine, which being understood in that sense as was before expressed, as if his majesty had a private interest of propriety therein, they could not admit it to be so.

'Thirdly, which was the main point of all, sir John Hotham was said to have shut the gates against his majesty, and to have made resistance with armed men in defiance of his majesty; whereas it was indeed in obedience to his majesty and his authority, and for his service, and the service of the kingdom, for which use only all that interest is that the King hath in the town, and it is no further his to dispose of than he useth it for that end. And sir John Hotham being commanded to keep the town and magazine for his majesty and the kingdom, and not to deliver them up but by his majesty's authority signified by both Houses of Parliament, all that was to be understood by those expressions of his denying and opposing his majesty's entrance, and telling him in plain terms that he should not come in, was only this, that he humbly desired his majesty to forbear his entrance till he might acquaint the Parliament, and that his authority might come signified to him by both Houses of Parliament, according to the trust reposed in him. And certainly, if the letter of the statute of the 25 Edw. III. cap. 2, be thought to import this, that no war can be levied against the King but what is directed and intended[1] against his person, or that every levying of forces for the defence of the King's authority and of his kingdom against the personal commands of the King opposed thereunto, though accompanied with his presence, is levying war against the King, it is very far from the sense of that statute; and so much the statute itself speaks, (besides the authority of book cases, precedents of divers traitors condemned upon that interpretation thereof). For if the clause of levying of war had been meant only against the King's person, what need had there been thereof after the other branch of treason in the same statute, of compassing the King's death, which would necessarily have implied this? And because the former clause doth imply this, it seems not at all to be intended in this latter branch; but only the levying of war against the King, that is, against his laws and authority: and the levying of war against his laws and authority, though not against his person, is levying war against the King; but the levying of force against his personal commands, though accompanied with his presence, and not against his laws and authority but in the maintenance thereof, is no levying of war against the King, but for him.

242. 'Here was then,' they said, 'their case: In a time of so many successive plots and designs of force against the Parliament and the kingdom: in a time of probable invasion from abroad, and that to begin at Hull, and to take the opportunity of seizing upon so great a magazine there; in a time of so great distance and alienation of his majesty's affections from his Parliament, and in them from his kingdom, which they represent, by the wicked suggestions of a few malignant persons, by whose mischievous counsels he was wholly led away from his Parliament and their faithful advices and counsels: in such a time, the Lords and Commons in Parliament command sir John Hotham to draw in some of the train-bands of the parts adjacent to the town of Hull, for the securing that town and magazine for

[1] ['attended,' MS.]

the service of his majesty and of the kingdom, of the safety whereof there 1642
is a higher trust reposed in them than any where else; and they are the proper judges of the danger thereof.

243. 'This town and magazine being intrusted to sir John Hotham, with express order not to deliver them up but by the King's authority signified by both Houses of Parliament; his majesty, contrary to the advice and direction of both Houses of Parliament, without the authority of any court, or of any legal way wherein the law appoints the King to speak and command, accompanied with the same evil council about him that he had before, by a verbal command requires sir John Hotham to admit him into the town, that he might dispose of it and of the magazine there according to his own or rather according to the pleasure of those evil counsellors who are still in so much credit about him; in like manner as the lord Digby had continual recourse unto and countenance from the Queen's majesty in Holland, by which means he had opportunity still to communicate his traitorous conceptions and suggestions to both their majesties, such as those were concerning his majesty's retiring to a place of strength and declaring himself, and his own advancing his majesty's service in such a way beyond the seas, and, after that, resorting to his majesty in such a place of strength; and divers other things of that nature, contained in his letter to the Queen's majesty and to sir Lewis Dives, a person that had not the least part in this late business of Hull, and was presently despatched away into Holland soon after his majesty's return from Hull; for what purpose, they left the world to judge.

244. 'Upon the refusal of sir John Hotham to admit his majesty into Hull, presently, without any due process of law, before his majesty had sent up the narration of his fact to the Parliament, he was proclaimed traitor; and yet it was said that therein was no violation of the subject's right, nor any breach of the law, nor of the privilege of Parliament, though sir John Hotham be a member of the House of Commons, and that his majesty must have better reason than bare votes to believe the contrary; although the votes of the Lords and Commons in Parliament, being the Great Council of the kingdom, are the reason of the King and of the kingdom. Yet these votes,' they said, 'did not want clear and apparent reason for them; for if the solemn proclaiming a man a traitor signify any thing, it puts a man, and all those that any way aid, assist, or adhere unto him, into the same condition of traitors, and draws upon him all the consequences of treason: and if that might be done by law without due process of law, the subject hath a [very] poor defence of the law, and a very small, if any, proportion of liberty thereby. And it is as little satisfaction to a man that shall be exposed to such penalties by that declaration of him to be a traitor, to say, he shall have a legal trial afterwards, as it is to condemn a man first and try him afterwards. And if there could be a necessity for any such proclaiming a man a traitor without due process of law, yet there was none in this case; for his majesty might have as well expected the judgment of Parliament, (which was the right way,) as he had leisure to send to them to demand justice against sir John Hotham. And the breach of privilege of Parliament was as clear in this case as the subversion of the subject's common right: for though the privileges of

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1642 Parliament do not extend to those cases mentioned in the Declaration, of treason, felony, and breach of peace, so as to exempt the members of Parliament from punishment, nor from all manner of process and trial, as it doth in other cases, yet it doth privilege them in the way and method of their trial and punishment, and that the Parliament should have the cause first brought before them, that they may judge of the fact, and of the grounds of the accusation, and how far forth the manner of their trial may concern or not concern the privilege of Parliament. Otherwise it would be in the power, not only of his majesty, but of every private man, under pretensions of treasons, or those other crimes, to take any man from his service in Parliament, and so as many, one after another, as he pleaseth, and consequently to make a Parliament what he will, when he will; which would be a breach of so essential a privilege of Parliament as that the very being thereof depends upon it. And therefore they no ways doubted but every one that had taken the Protestation would, according to his solemn vow and oath, defend it with his life and fortune. Neither did the sitting of a Parliament suspend all, or any, law, in maintaining that law which upholds the privilege of Parliament, which upholds the Parliament, which upholds the kingdom. And they were so far from believing that his majesty was the only person against whom treason could not be committed, that in some sense they acknowledged he was the only person against whom it could be committed; that is, as he is King: and that treason which is against the kingdom is more against the King than that which is against his person, because he is King: for that very treason is not treason as it is against him as a man, but as a man that is a King, and as he hath relation to the kingdom, and stands as a person intrusted with the kingdom, and discharging that trust.

245. 'Now,' they said, 'the case was truly stated, and all the world might judge where the fault was; although they must avow that there could be no competent judge of this or any the like case but a Parliament; and they were as confident that his majesty should never have cause to resort to any other court or course, for the vindication of his just privileges and for the recovery and maintenance of his known and undoubted rights, if there should be any invasion or violation thereof, than to his high court of Parliament. And in case those wicked counsellors about him should drive him into any other course from and against his Parliament, whatever his majesty's expressions and intentions were, they should appeal to all men's consciences, and desire that they would lay their hands upon their hearts, and think with themselves whether such persons as had of late and still did resort unto his majesty, and had his ear and favour most, either had been or were more zealous assertors of the true Protestant profession, (although they believed they were more earnest in the Protestant profession than in the Protestant religion,) or of the law of the land, the liberty of the subject, and the privileges of the Parliament, than the members of both Houses of Parliament, who were insinuated to be the deserters, if not the destroyers, of them: and whether, if they could master this Parliament by force, they would not hold up the same power to deprive us of all Parliaments; which are the ground and pillar of the subject's liberty, and that which only maketh England a free monarchy.

246. 'For the order of assistance to the committee of both Houses, as they had no directions or [instructions[1]] but what had the law for their limits and the safety of the land for their ends, so they doubted not but all persons mentioned in that order, and all his majesty's good subjects, would yield obedience to his majesty's authority signified therein by both Houses of Parliament. And that all men might the better know their duty in matters of that nature, and upon how sure a ground they go that follow the judgment of Parliament for their guide, they wished them judiciously to consider the true meaning and ground of that statute made in the eleventh year of King Henry VII. cap. 1, which was printed at large in the end of his majesty's message of the 4th of May. That statute provides, *that none who shall attend upon the King, and do him true service, should be attainted, or forfeit any thing.* What was the scope of that statute? To provide that men should not suffer as traitors for serving the King in his wars according to the duty of their allegiance? If this had been all, it had been a very needless and ridiculous statute. Was it then intended, (as they seemed to take the meaning of it to be that caused it to be printed after his majesty's message,) that they should be free from all crime and penalty that should follow the King, and serve him in war in any case whatsoever, whether it were for or against the kingdom and the laws thereof? That could not be; for that could not stand with the duty of their allegiance, which, in the beginning of the statute, was expressed to be *to serve the King for the time being in his wars, for the defence of him and the land;* and therefore if it be against the land, (as it cannot be understood to be otherwise if it be against the Parliament, the representative body of the kingdom,) it is a declining from the duty of allegiance, which this statute supposeth may be done though men should follow the King's person in the war: otherwise there had been no need of such a proviso in the end of the statute, *that none should take benefit thereby that should decline from their allegiance.* That therefore which is the principal verb in this statute is, the [serving[2]] of the King for the time being; which could not be meant of a Perkin Warbeck, or any that should call himself king; but such a one as, whatever his title might prove either in himself or in his ancestors, should be received and acknowledged for such by the kingdom, the consent whereof cannot be discerned but by Parliament; the act whereof is the act of the whole kingdom, by the personal suffrage of the peers, and the delegate consent of all the commons of England. 1642

247. 'And Henry VII., a wise King, [considering] that what was the case of Rich. III., his predecessor, might by chance of battle be his own; and that he might at once, by such a statute as this, satisfy such as had served his predecessor in his wars, and also secure those which should serve him, who might otherwise fear to serve him in the wars lest by chance of battle that might happen to him also (if a duke of York had set up a title against him) which had happened to his predecessor, he procured this statute to be made, *that no man should be accounted a traitor for serving the King in his wars for the time being,* that is, which was for the present

[1] ['directions,' MS.]

[2] [So in the *Remonstrance* as printed; 'service,' MS.]

1642 allowed and received by the Parliament in behalf of the kingdom: and, as it is truly suggested in the preamble of the statute, it is not agreeable to reason or conscience that it should be otherwise; seeing men should be put upon an impossibility of knowing their duty if the judgment of the highest court should not be a rule and guide to them, and if the judgment thereof should not be followed where the question is, *Who is king,* much more, *What is the best service of the king and kingdom*: and therefore those who should guide themselves by the judgment of Parliament ought, whatever happen, to be secure and free from all account and penalties, upon the grounds and equity of this very statute.'

248. They said, 'they would conclude that, although those wicked counsellors about his majesty had presumed, under his majesty's name, to put that dishonour and affront upon both Houses of Parliament, and to make them the countenancers of treason, enough to have dissolved all the bands and sinews of confidence between his majesty and his Parliament, (of whom the maxim of the law is, *That a dishonourable thing ought not to be imagined of them,*) yet they doubted not but it should, in the end, appear to all the world that their endeavours had been most hearty and sincere, for the maintenance of the true Protestant religion, the King's just prerogative, the laws and liberties of the land, and the privileges of Parliament: in which endeavours, by the grace of God, they would still persist, though they should perish in the work; which if it should be, it was much to be feared that religion, laws, liberties, and parliaments, would not be long lived after them.'

249. This Declaration wrought more upon the minds of men than all that they had done; for the business at Hull was by very many thought to be done before projected, and the argument of the militia to be entered upon at first in passion, and afterwards pursued with that vehemence, insensibly, by being engaged; and that both extravagances had so much weighed down the King's trespasses in coming to the House and accusing the members, that a reasonable agreement would have been the sooner consented to on all hands. But when by this Declaration they saw foundations laid upon which not only what had been already done would be well justified, but whatsoever they should hereafter find convenient to second what was already done, and that not only the King but the regal power was either suppressed or deposited in other hands, the irregularity and monstrousness of which principles found little opposition or resistance, even for the irregularity and monstrousness, very many thought it as unsafe to be present at those consultations as to consent to the conclusions; and so

great numbers of the members of both Houses absented themselves, and many, especially of the House of Peers, resorted to his majesty at York. So that in the debates of the highest consequence there were not usually present in the House of Commons the fifth part of their just numbers, and very often not above a dozen or thirteen in the House of Peers. In the mean time the King had a full court, and received all comers with great clemency and grace, calling always all the peers to Council, and communicating with them all such Declarations he thought fit to publish in answer to those of the Parliament, and all messages, and whatever else was necessary to be done for the improvement of his condition: and, having now the Great Seal with him, issued such proclamations as were seasonable for the preservation of the peace of the kingdom. First, he published a Declaration in answer to that of the 19th of May, in which his majesty said that, 1642

250. 'If he could be weary of taking any pains for the satisfaction of his people, and to undeceive them of those specious, mischievous infusions, which were daily instilled into them, to shake and corrupt their loyalty and affection to his majesty and his government, after so full and ample declaration of himself and intentions, and so fair and satisfactory answers to all such matters as had been objected to him by a major part present of both Houses of Parliament, he might well give over that labour of his pen, and sit still, till it should please God to enlighten the affections and understandings of his good subjects on his behalf, (which he doubted not but that in His good time He would do,) that they might see his sufferings were their sufferings: but since, instead of applying themselves to the method proposed by his majesty of making such solid particular propositions as might establish a good understanding between them, or of following the advice of his Council of Scotland, (with whom they communicated their affairs,) in forbearing all means that might make the breach wider and the wound deeper, they had chosen to pursue his majesty with new reproaches, or rather to continue and improve the old, by adding and varying little circumstances and language in matters formerly urged by them and fully answered by his majesty, he had prevailed with himself, upon very mature and particular consideration of it, to answer the late printed book, entitled *A Declaration or Remonstrance of the Lords and Commons*, which was ordered the 19th of May last to be printed and published; hoping then that they would put his majesty to no more of that trouble, but that that should have been the last of such a nature they would have communicated to his people, and that they would not, (as they had done since,) have thought fit to assault him with a newer Declaration, indeed of a very new nature and learning, which should have another

1642 answer. And he doubted not but that his good subjects would in short time be so well instructed in the differences and mistakings between them, that they would plainly discern, without resigning their reason and understanding to his prerogative or the infallibility of a now major part of both Houses of Parliament, (infected by a few malignant spirits,) where the fault was.'

251. His majesty said, 'though he should with all humility and alacrity be always forward to acknowledge the infinite mercy and providence of Almighty God, vouchsafed so many several ways to himself and this nation, yet, since God himself doth not allow that we should fancy and create dangers to ourselves that we might manifest and publish His mercy in our deliverance, he must profess that he did not know those deliverances, mentioned in the beginning of that Declaration, from so many wicked plots and designs since the beginning of this Parliament, which, if they had taken effect, would have brought ruin and destruction upon this kingdom. His majesty well knew the great labour and skill which had been used to amuse and affright his good subjects with fears and apprehensions of plots and conspiracies; the several pamphlets published, and letters scattered up and down, full of such ridiculous, contemptible animadversions to that purpose, as (though they found, for what end God knows, very unusual countenance) no sober man would be moved with them. But he must confess he had never been able to inform himself of any such pernicious, formed design against the peace of the kingdom since the beginning of this Parliament, as was mentioned in that Declaration, or which might be any warrant to those great fears both Houses of Parliament seemed to be transported with; but he had great reason to believe that more mischieve and danger had been raised and begotten, to the disturbance of the kingdom, than cured or prevented, by those fears and jealousies. And therefore, however the rumour and discourse of plots and conspiracies might have been necessary to the designs of particular men, they should do well not to pay any false devotions to Almighty God, who discerns whether our dangers are real or pretended.

252. 'For the bringing up of the army to London, as his majesty had heretofore (by no other direction than the testimony of a good conscience,) called God to witness, that he never had, or knew of, any such resolution, so,' he said, 'upon the view of the depositions now published with that Declaration, it was not evident to his majesty that there was ever such a design, unless every loose discourse or argument be evidence enough of a design; and it was apparent that what had been said of it was near three months before the discovery to both Houses of Parliament; so that if there were any danger threatened that way, it vanished without any resistance or prevention by the wisdom, power, or authority of them.

253. 'It seemed the intention of that Declaration, (whatsoever other end it had,) was to answer a Declaration they had received from his majesty in answer to that which was presented to his majesty at Newmarket, the 9th of March last, and likewise to his Answer to the petition of both Houses presented to him at York, the 26th of March. But before it fell upon any particular of his majesty's Declaration or Answer, it complained that the heads of the malignant party had with

much art and industry advised him to suffer divers unjust scandals and 1642
imputations upon the Parliament to be published in his name, whereby they might make it odious to the people, and, by their help, destroy it: but not instancing in any one scandal or imputation so published by his majesty, he was,' he said, 'still to seek for the heads of that malignant party. But his good subjects would easily understand, that if he were guilty of that aspersion, he must not only be active in raising the scandal, but passive in the mischieve begotten by that scandal, his majesty being an essential part of the Parliament; and he hoped the just defence of himself and his authority, and the necessary vindication of his innocence and justice, from the imputations laid on him by a major part then present of either or both Houses, should no more be called a scandal upon the Parliament than the opinion of such a part be reputed an Act of Parliament. And he hoped his good subjects would not be long misled by that common expression in all the Declarations, wherein they usurp the word *Parliament*, and apply it to countenance any resolution or vote some few had a mind to make by calling it *the resolution of Parliament*; which could never be without his majesty's consent. Neither could the vote of either or both Houses make a greater alteration in the laws of the kingdom, (so solemnly made by the advice of their predecessors, with the concurrence of his majesty and his ancestors,) either by commanding or inhibiting any thing, (besides the known rule of the law,) than his single direction or mandate could do, to which he did not ascribe that authority.'

254. 'But that Declaration informed the people that the malignant party had drawn his majesty into the northern parts, far from his Parliament. It might,' his majesty said, 'more truly and properly have said, that it had driven, than drawn, him thither; for he confessed his journey thither (for which he had no other reason to be sorry than with reference to the cause of it) was only forced upon him by the true malignant party, which contrived and countenanced those barbarous tumults, and other seditious circumstances, of which he had so often complained, and hereafter should say more; and which indeed threatened so much danger to his person, and laid so much scandal upon the privilege and dignity of Parliament, that he wondered it could be mentioned without blushes or indignation: but of that anon. But why the malignant party should be charged with causing a press to be transported to York,' his majesty said, 'he could not imagine; neither had any papers or writings issued from thence, to his knowledge, but what had been extorted from him by such provocations as had not been before offered to a king. And, no doubt, it would appear a most trivial and fond exception, when all presses were open to vent whatsoever they thought fit to say to the people, (a thing unwarranted by former custom,) that his majesty should not make use of all lawful means to publish his just and necessary answers thereunto. As for the authority of the Great Seal, (though he did not know that it had been necessary to things of that nature,) the same should be more frequently used hereafter, as occasion should require; to which he made no doubt but the greater and better part of his Privy Council would concur; and whose advice he was resolved to follow, as far as it should be agreeable to the good and welfare of the kingdom.

1642 255. 'Before that Declaration vouchsafed to insist on any particulars, it was pleased to censure both his majesty's Declaration and Answer to be filled with harsh censures and causeless charges upon [the Parliament[1],] (still misapplying the word *Parliament* to the vote of both Houses,) concerning which they resolve to give satisfaction to the kingdom, since they found it very difficult to satisfy his majesty. If, as in the usage of the word *Parliament* they had left his majesty out of their thoughts, so by the word *kingdom* they intended to exclude all his people who were not within their walls, (for that was grown another phrase of the time, the vote of the major part of both Houses, and sometimes of one, was now called *the resolution of the whole kingdom,*) his majesty believed it might not be hard to give satisfaction to themselves; otherwise he was confident, (and,' he said, 'his confidence proceeded from the uprightness of his own conscience,) they would never be able so to sever the affections of his majesty and his kingdom that what could not be satisfaction to the one should be to the other: neither would the style of *humble and faithful,* and telling his majesty that *they will make his majesty a great and glorious King,* in their Petitions and Remonstrances, so deceive his good subjects that they would pass over the reproaches, threats, and menaces they were stuffed with; which surely could not be more gently reprehended by his majesty than by saying, *their expressions were different from the usual language to princes*; which that Declaration told him *he had no occasion to say.* But he believed whosoever looked over that Declaration presented to him at Newmarket, to which his was an answer, would find the language throughout it to be so unusual that before this Parliament it could never be paralleled; whilst, under pretence of justifying their fears, they gave so much countenance to the discourse of the rebels of Ireland as if they had a mind his good subjects should give credit to it: otherwise, being warranted by the same evidence, which they have since published, [they would have as well declared] that those rebels publicly threaten the rooting out the name of the English, and that they will have a king of their own, and no longer be governed by his majesty, as that they say, that they do nothing but by his majesty's authority, and that they call themselves the Queen's army. And therefore he had great reason to complain of the absence of justice and integrity in that Declaration, besides the unfitness of other expressions.

256. 'Neither did his majesty mistake the substance or logic of their message to him at Theobald's concerning the militia; which was no other, and was stated to be no other, even by that Declaration that reproved him, than a plain threat that if his majesty refused to join with them they would make a law without his majesty: nor had the practice since that time been other; which would never be justified to the most ordinary [if not partial] understandings by the mere averring it to be according to the fundamental laws of this kingdom, without giving any directions that the most cunning and learned men in the laws might be able to find those foundations. And he would appeal unto all the world, whether they might

[1] [The words inserted between square brackets here and below are from the printed copies of the answer, being omitted in Clarendon's MS.]

not with as much justice, and by as much law, have seized upon the estate 1642
of every member of both Houses who dissented from that pretended ordinance, (which much the major part of the House of Peers did, two or three several times,) as they had invaded that power of his over the militia, because he, (upon reasons they had not so much as pretended to answer) refused to consent to that proposition.

257. 'And if no better effects than loss of time and hinderance of the public affairs had been found by his answers and replies, all good men might judge by whose default and whose want of duty such effects had been. For as his end, indeed his only end, in those answers and replies had been the settlement and composure of public affairs, so he was assured, and most men did believe, that if that due regard and reverence had been given to his words, and that consent and obedience to his counsels, which he expected, there had been before that time a cheerful calm upon the face of the whole kingdom, every man enjoying his own with all possible peace and security that can be imagined; which surely those men did not desire who (after all those Acts of justice and favour passed by him this Parliament, all those sufferings and affronts endured and undergone by him) thought fit still to reproach him with ship-money, coat and conduct-money, and other things so abundantly declared (as that Declaration itself confessed) in the general *Remonstrance of the state of the kingdom* published in November last; which his majesty wondered to find now avowed to be the Remonstrance of both Houses, and which he was sure was presented to him only by the House of Commons, and did never, and, he was confident, in that time could never have passed, the House of Peers; the concurrence and authority of which was not then thought necessary. Should his majesty believe those reproaches to be the voice of the kingdom of England? That all his loving subjects, eased, refreshed, strengthened, and abundantly satisfied, with his acts of grace and favour towards them, were willing to be involved in those unthankful expressions? He would appeal to the thanks and acknowledgments published in the petitions of most of the counties of England, to the testimony and thanks he had received from both Houses of Parliament, how seasonable, how agreeable, that usage was to his majesty's merit or their former expressions.'

258. His majesty said, 'he had not at all swerved or departed from his resolutions, or words in the beginning of this Parliament; he had said, he was resolved to put himself freely and clearly upon the love and affection of his English subjects, and he said so still, as far as concerns England. And he called Almighty God to witness, all his complaints and jealousies, which had never been causeless, nor of his Houses of Parliament, (but of some few schismatical, factious, and ambitious spirits, and upon grounds, as he feared, a short time would justify to the world,) his denial of the militia, his absenting himself from London, had been the effects of an upright and faithful affection to his English subjects; that he might be able, through all the inconveniences he might be compelled to wrestle with, at last to preserve and restore their religion, laws, and liberties unto them.

259. 'Since the proceeding against the lord Kimbolton and the five members was still looked upon, and so often pressed, as so great an advantage against his majesty that no retractation made by him, nor no action

1642 since that time committed against him and the law of the land under the pretence of vindication of privilege, could satisfy the contrivers of that Declaration, but that they would have his good subjects believe the accusation of those five members must be a plot for the breaking the neck of the Parliament, (a strange arrogance, if any of those members had the penning of that Declaration,) and that it was so often urged against him, as if by that single, casual mistake of his, in form only, he had forfeited all duty, credit, and allegiance from his people,' he said, 'he would, without endeavouring to excuse that, which in truth was an error, (his going to the House of Commons,) give his people a full and clear narration of the matter of fact, assuring himself that his good subjects would not find his carriage in that business such as had been reported.'

260. His majesty said, that 'when he resolved, upon such grounds as, when they should be published, would satisfy the world, that it was fit for his own safety and honour and the peace of the kingdom to proceed against those persons, though he well knew there was no degree of privilege in that case, yet, to shew his desire of correspondence with the two Houses of Parliament, he chose, rather than to apprehend their persons by the ordinary ministers of justice, (which according to the opinion and practice of former times he might have done,) to command his Attorney General to acquaint his House of Peers with his intention, and the general matters of his charge, (which was yet more particular than a mere accusation,) and to proceed accordingly; and at the same time sent a sworn servant, a sergeant at arms, to the House of Commons, to acquaint them, That his majesty did accuse and intended to prosecute the five members of that House for high treason, and did require that their persons might be secured in custody. This he did not only to shew that he intended not to violate or invade their privileges, but to use more ceremony towards them than he then conceived in justice might be required of him; and expected at least such an answer as might inform him if he were out of the way; but he received none at all; only, in the instant, without offering any thing of their privileges to his consideration, an order was made, (and the same night published in print,) that if any person whatsoever should offer to arrest the person of any member of that House, without first acquainting that House therewith and receiving further order from that House, that it should be lawful for such members, or any person, to assist them, and to stand upon his or their guard of defence, and to make resistance, according to the Protestation taken to defend the privileges of Parliament. And this was the first time that he heard the Protestation might be wrested to such a sense, or that in any case, (though of the most undoubted and unquestionable privilege,) it might be lawful for any person to resist, and use violence against, a public minister of justice, armed with lawful authority; though his majesty well knew that even such a minister might be punished for executing such authority.

261. 'Upon viewing that order his majesty confessed he was somewhat amazed, having never seen or heard of the like, though he had known members of either House committed without so much formality as he had used, and upon crimes of a far inferior nature to those he had suggested; and, having no course proposed to him for his proceeding, he was, upon the matter, only

told, that against those persons he was not to proceed at all; that they 1642
were above his reach or the reach of the law. It was not easy for him to resolve what to do: if he employed his ministers of justice in the usual way for their apprehension, (who without doubt would not have refused to have executed his lawful commands,) he saw what opposition and resistance was like to be made, which very probably might have cost some blood: if he sat still, and desisted upon that terror, he should, at the best, have confessed his own want of power and the weakness of the law. In that strait, he put on a sudden resolution, to try whether his own presence, and a clear discovery of his intentions, (which haply might not have been so well understood,) could remove those doubts and prevent those inconveniences which seemed to have been threatened; and thereupon he resolved to go in his own person to the House of Commons, which he discovered not till the very minute of his going, when he sent out that his servants, and such gentlemen as were then in his court, should attend him to Westminster; but giving them express command, (as he had expressed in his answer to the Ordinance,) that no accidents or provocation should draw them to any such action as might imply a purpose of force in his majesty; and himself (requiring those of his train not to come within the door,) went into the House of Commons; the bare doing of which he did not then conceive would have been thought more a breach of privilege than if he had gone to the House of Peers and sent for them to come to him: which was the usual custom.

262. 'He used the best expressions he could to assure them how far he was from any intention of violating their privileges; that he intended to proceed legally and speedily against the persons he had accused; and desired therefore, if they were in the House, that they might be delivered to him, or if absent, that such course might be taken for their forthcoming as might satisfy his just demands; and so he departed, having no other purpose of force if they had been in the House than he had before protested, before God, in his answer to the Ordinance. They had an account now of his part of that story fully; his people might judge freely of it. What followed on their part, (though that Declaration said, it could not withdraw any part of their reverence and obedience from his majesty; it might be, any part of theirs it did not,) he should have too much cause hereafter to inform the world.'

263. His majesty said, 'there would be no end of the discourse and upbraiding him with evil counsellors, if, upon his constant denial of knowing any, they would not vouchsafe to inform him of them, and after eight months amusing the kingdom with the expectation of the discovery of a malignant party and of evil counsellors, they would not at last name any nor describe them. Let the actions [and [1]] lives of men be examined, who had contrived, counselled, actually consented, to grieve and burden his people; and if such were now about his majesty, or any against whom any notorious, malicious crime could be proved, if he sheltered and protected any such, let his injustice be published to the world: but till that were done, particularly and manifestly, (for he should never conclude any man upon a bare general vote of the major part of either or both Houses, till it

[1 'of,' MS.]

1642 were evident that that major part was without passion or affection,) he must look upon the charge that Declaration put on him, of cherishing and countenancing a discontented party of the kingdom against them, as a heavier and unjuster tax upon his justice and honour than any he had or could lay upon the framers of that Declaration. And now, to countenance those unhandsome expressions whereby usually they had implied his majesty's connivance at, or want of zeal against, the rebellion of Ireland, (so odious to all good men,) they had found a new way of exprobration: that the proclamation against those bloody traitors came not out till the beginning of January, though that rebellion broke out in October, and then, by special command from his majesty, but forty copies were appointed to be printed.' His majesty said, 'it was well known where he was at that time when that rebellion brake forth, in Scotland: that he immediately, from thence, recommended the care of that business to both Houses of Parliament here, after he had provided for all fitting supplies from his kingdom of Scotland: that after his return hither he observed all those forms for that service which he was advised to by his Council of Ireland, or both Houses of Parliament here; and if no proclamation issued out sooner, (of which, for the present, he was not certain, but thought that others by his directions were issued before that time,) it was because the Lords Justices of the kingdom desired them no sooner; and when they did, the number they desired was but twenty, which they advised might be signed by his majesty; which he, for expedition of the service, commanded to be printed, (a circumstance not required by them;) thereupon he signed more of them than his Justices desired. All which was very well known to some members of one or both Houses of Parliament, who had the more to answer if they forbore to express it at the passing of that Declaration; and if they did express it, he had the greater reason to complain that so envious an aspersion should be cast on his majesty to his people, when they knew well how to answer their own objection.

264. 'What that complaint was against the Parliament, put forth in his name, which was such an evidence and countenance to the rebels and spoke the same language of the Parliament which the rebels did,' he said 'he could not understand. All his answers and declarations had been and were owned by himself, and had been attested under his own hand: if any other had been published in his name and without his authority, it would be easy for both Houses of Parliament to discover and apprehend the authors: and he wished that whosoever was trusted with the drawing and penning that Declaration had no more authority or cunning to impose upon or deceive a major part of those votes by which it passed, than any man had to prevail with his majesty to publish in his name any thing but the sense and resolution of his own heart; or that the contriver of that Declaration could with as good a conscience call God to witness that all his counsels and endeavours had been free from all private aims, personal respects or passions whatsoever, as his majesty had done, and did, that he never had, or knew of, such resolutions of bringing up the army to London.

265. 'And since that new device was found out, instead of answering his reasons or satisfying his just demands, to blast his declarations and

answers as if they were not his own; a bold, senseless imputation;' he 1642
said 'he was sure that every answer and declaration published by his majesty was much more his own, than any one of those bold, threatening, and reproachful petitions and remonstrances were the acts of either or both Houses. And if the penner of that Declaration had been careful of the trust reposed in him, he would never have denied, (and thereupon have found [fault] with his majesty's just indignation,) in the text or margent, that his majesty had never been charged with the intention of any force, and that in their whole Declaration there was no one word tending to any such reproach; the contrary whereof was so evident, that his majesty was in express terms charged in that Declaration, That he had sent them gracious messages when with his privity bringing up the army was in agitation. And even in that Declaration they sought to make the people believe some such thing to be proved in the depositions therewith published; wherein, his majesty doubted not, they would as much fail, as they did in their censure of that petition shewed formerly to his majesty by captain Legge, and subscribed by him with *C. R.*, which, notwithstanding his majesty's full and particular narration of the substance of that petition, the circumstances of his seeing and approving it, that Declaration was pleased to say was full of scandal to the Parliament and might have proved dangerous to the whole kingdom. If they had that dangerous petition in their hands,' his majesty said, 'he had no reason to believe any tenderness towards him had kept them from communicating it; if they had it not, his majesty ought to have been believed. But that all good people might compute their other pretended dangers by their clear understanding of that, the noise whereof had not been inferior to any of the rest,' his majesty said, 'he had recovered a true copy of the very petition he had signed with *C. R.*, which should in fit time be published, and which, he hoped, would open the eyes of his good people.

266. 'Concerning his warrant for Mr. Jermin's passage, his answer was true and full; but for his black satin suit and white boots he could give no account.

267. 'His majesty had complained in his Declaration, and, as often as he should have occasion to mention his return and residence near London, he should complain, of the barbarous and seditious tumults at Whitehall and Westminster; which indeed had been so full of scandal to his government and danger to his person, that he should never think of his return thither till he had justice for what was past and security for the time to come: and if there were so great a necessity or desire of his return as was pretended, in all [this] time, upon so often pressing his desires and upon causes so notorious, he should at least have procured some order for the future. But that Declaration told his majesty he was, upon the matter, mistaken; the resort of the citizens to Westminster was as lawful as the resort of great numbers every day in the term to the ordinary courts of justice. They knew no tumults. Strange! was the disorderly appearance of so many thousand people, with staves and swords, crying through the streets, Westminster-hall, the passage between both Houses, (insomuch as the members could hardly pass to and fro,) *No bishops, down with the bishops,* no tumults? What member was there of either House that saw

1642 not those numbers and heard not those cries? And yet lawful assemblies! Were not several members of either House assaulted, threatened, and evilly entreated? And yet no tumults! Why made the House of Peers a declaration, and sent it down to the House of Commons, for the suppressing of tumults, if there were no tumults? And if there were any, why was not such a declaration consented to and published? When the attempts were so visible, and threats so loud, to pull down the abbey at Westminster, had not his majesty just cause to apprehend that such people might continue their work to Whitehall? Yet no tumults! What a strange time are we in, that a few impudent, malicious (to give them no worse term) men should cast such a mist of error before the eyes of both Houses of Parliament, as that they either could not or would not see how manifestly they injured themselves by maintaining those visible untruths.' His majesty said, 'he would say no more: by the help of God and the law, he would have justice for those tumults.

268. 'From excepting (how weightily every man might judge,) to what his majesty had said, that Declaration proceeded to censure him for what he had not said, for the prudent omissions in his answer. His majesty had forborne to say any thing of the words spoken at Kensington, or the articles against his dearest consort, and the accusation of the six members. Of the last,' his majesty said, 'he had spoken often, and, he thought, enough of the other two; but having never accused any, (though God knew what truth there might be in either,) he had no reason to give any particular answer.'

269. He said, 'he did not reckon himself bereaved of any part of his prerogative which he was pleased freely, for a time, to part with by bill; yet he must say, he expressed a great trust in his two Houses of Parliament when he divested himself of the power of dissolving this Parliament, which was a just, necessary, and proper prerogative. But he was glad to hear their resolution, that it should not encourage them to do any thing which otherwise had not been fit to have been done: if it did, it would be such a breach of trust, God would require an account for at their hands.

270. 'For the militia, he had said so much in it before, and the point was so well understood by all men, that he would waste time no more in that dispute. He never had said there was no such thing as an ordinance, (though he knew that they had been long disused,) but that there was never any ordinance, or could be any, without the King's consent; and that was true: and the unnecessary precedent cited in that Declaration did not offer to prove the contrary. But enough of that; God and the law must determine that business.

271. 'Neither had that Declaration given his majesty any satisfaction concerning the votes of the 15th and 16th of March [last]; which he must declare, and appeal to all the world in the point, to be the greatest violation of his majesty's privilege, the law of the land, the liberty of the subject, and the right of Parliament, that could be imagined. One of those votes was, (and there would need no other to destroy the King and people,) that when the Lords and Commons (it is well the Commons are admitted to their part in judicature) shall declare what the law of the land is, the same must be assented to and obeyed; that is the sense in few

words. Where is every man's property, every man's liberty? If the major part of both Houses declare that the law is, That the younger brother shall inherit, what is become of all the families and estates in the kingdom? If they declare, That, by the fundamental law of the land, such a rash action, such an unadvised word, ought to be punished by perpetual imprisonment, is not the liberty of the subject, *durante beneplacito*, remediless? That Declaration confesses, they pretend not to a power of making new laws; that without his majesty they could not do that: they needed no such power if their Declaration could suspend this statute from being obeyed and executed. If they had power to declare the lord Digby's waiting on his majesty to Hampton Court, and thence visiting some officers at Kingston with a coach and six horses, to be levying of war, and high treason, and sir John Hotham's defying his majesty to his face, keeping his majesty's town, fort, and goods against him, by force of arms, to be an act of affection and loyalty; what needed a power of making new laws? or would there be such a thing as law left? 1642

272. 'He desired his good subjects to mark the reason and consequence of those votes; the progress they had already made, and how infinite that progress might be. First, they voted the kingdom was in imminent danger (it was now above three months since they discerned it) from enemies abroad and a popish and discontented party at home; that is matter of fact; the law follows: this vote had given them authority by law, (the fundamental laws of the kingdom,) to order and dispose of the militia of the kingdom, and, with this power, and to prevent that danger, to enter into his majesty's towns, seize upon his magazine, and by force keep both from him. Was not that his majesty's case? First, they vote he had an intention to levy war against his Parliament; that is matter of fact: then they declare such as shall assist him to be guilty of high treason; that is the law, and proved by two statutes themselves knew to be repealed. No matter for that; they declare it. Upon this ground they exercise the militia; and so actually do that upon his majesty which they had voted he intended to do upon them. Who could not see the confusion that must follow upon such a power of declaring? If they should now vote that his majesty did not write this Declaration, but that such a one did it, which was still matter of fact; and then declare, that, for so doing, he was an enemy to the commonwealth; what was become of the law that man was born to? And if all their zeal for the defence of the law were but to defend that which they declared to be law, their own votes, it would not be in their power to satisfy any man of their good intentions to the public peace but such as was willing to relinquish his title to Magna Charta and hold his life and fortunes by a vote of a major part of both Houses. In a word, his majesty denied not but they might have power to declare in a particular, doubtful case, regularly brought before them, what law is: but to make a general declaration, whereby the known rule of the law might be crossed or altered, they had no power; nor could exercise any, without bringing the life and liberty of the subject to a lawless and arbitrary subjection.

273. 'His majesty had complained (and the world might judge of the justice and necessity of that complaint) of the multitude of seditious

1642 pamphlets and sermons; and that Declaration told him, they knew he had ways enough in his ordinary courts of justice to punish those; so,' his majesty said, 'he had to punish tumults and riots; and yet they would not serve his turn to keep his towns, his forests, and parks from violence. And it might be, though those courts had still the power to punish, they might have lost the skill to define what tumults and riots are; otherwise a jury in Southwark, legally empannelled to examine a riot there, would not have been superseded, and the shrief enjoined not to proceed, by virtue of an order of the House of Commons; which, it seemed, at that time had the sole power of declaring. But it was no wonder that they who could not see the tumults did not consider the pamphlets and sermons; though the author of the *Protestation protested* were well known to be Burton, (that infamous disturber of the peace of the Church and State,) and that he preached it at Westminster, in the hearing of divers members of the House of Commons. But of such pamphlets and seditious preachers (divers whereof had been recommended, if not imposed upon several parishes, by some members of both Houses, by what authority his majesty knew not) he would hereafter take a further account.'

274. His majesty said, 'he confessed he had little skill in the laws; and those that had had most, he found now were much to seek: yet he could not understand, or believe, that every ordinary court, or any court, had power to raise what guard they pleased and under what command they pleased. Neither could he imagine what dangerous effects they found by the guard he appointed them, or indeed any the least occasion why they needed a guard at all.

275. 'But of all the imputations so causelessly and unjustly laid upon his majesty by that Declaration,' he said, 'he most wondered at that charge, so apparently and evidently untrue, That such were continually preferred and countenanced by him who were friends, or favourers, or related unto the chief authors and actors, of that arbitrary power heretofore practised and complained of: and, on the other side, that such as did appear against it were daily discountenanced and disgraced.' He said, 'he would know one person that contributed to the ills of those times, or had dependence upon those that did, whom he did or lately had countenanced or preferred; nay, he was confident, (and he looked for no other at their hands,) as they had been always most eminent assertors of the public liberties, so, if they found his majesty inclined to any thing not agreeable to honour and justice they would leave him to-morrow. Whether different persons had not and did not receive countenance elsewhere, and upon what grounds, all men might judge, and whether his majesty had not been forward enough to honour and prefer those of the most contrary opinion, how little comfort soever he had of those preferments, in bestowing of which hereafter he would be more guided by men's actions than opinions. And therefore he had good cause to bestow that admonition (for his majesty assured them that it was an admonition of his own) upon both his Houses of Parliament, to take heed of inclining, under the specious shows of necessity and danger, to the exercise of such an arbitrary power they before complained of: the advice would do no harm, and he should be glad to see it followed.'

276. His majesty asked, 'if all the specious promises and loud professions

of making him a great and a glorious king, of settling a greater revenue upon his majesty than any of his ancestors had enjoyed, of making him to be honoured at home and feared abroad, were resolved into this, that they would be ready to settle his revenue in an honourable proportion, when he should put himself in such a posture of government that his subjects might be secure to enjoy his just protection for their religion, laws, and liberties? What posture of government they intended, he knew not; nor could he imagine what security his good subjects could desire for their religion, laws, and liberties, which he had not offered or fully given. And was it suitable to the duty and dignity of both Houses of Parliament to answer his particular, weighty expressions of the causes of his remove from London, (so generally known to the kingdom,) with a scoff, that *they hoped he was driven from thence, not by his own fears, but by the fears of the lord Digby and his retinue of cavaliers?* Sure,' his majesty said, 'the penner of that Declaration inserted that ungrave and insolent expression, (as he had done divers others,) without the consent or examination of both Houses, who would not so lightly have departed from their former professions of duty to his majesty. 1642

277. 'Whether the way to a good understanding between his majesty and his people had been as zealously pressed by them as it had been professed and desired by him, would be easily discerned by them who observed that he had left no public act undone on his part which in the least degree might be necessary to the peace, plenty, and security of his subjects; and that they had not despatched one act which had given the least evidence of their particular affection and kindness to his majesty, but, on the contrary, had discountenanced and hindered the testimony other men would give to him of their affections. Witness the stopping, and keeping back, the bill of subsidies granted by the clergy almost a year since, which, though his personal wants were so notoriously known, they would not to that time pass; so, not only forbearing to supply his majesty themselves, but keeping the love and bounty of other men from him; and afforded no other answers to all his desires, all his reasons, (indeed not to be answered,) than that he must not make his understanding or reason the rule of his government, but suffer himself to be assisted (which his majesty never denied) by his Great Council.' He said, 'he required no other liberty to his will than the meanest of them did, (he wished they would always use that liberty,) not to consent to any thing evidently contrary to his conscience and understanding: and he had and should always give as much estimation and regard to the advice and counsel of both Houses of Parliament as ever prince had done: but he should never, and he hoped his people would never, account the contrivance of a few factious, seditious persons, a malignant party, who would sacrifice the commonwealth to their own fury and ambition, the wisdom of Parliament; and that the justifying and defending of such persons (of whom, and of their particular sinister ways to compass their own bad ends, his majesty would shortly inform the world) was not the way to preserve parliaments, but was the opposing, and preferring, a few unworthy persons, before their duty to their King or their 1640. May 23[1].

[1] [Wilkins' *Concilia*, iv. 541. Proposed on May 16, and passed on May 23, 1640. It had therefore been granted *two* years since.]

1642 care of the kingdom. They would have his majesty remember that his resolutions did concern kingdoms, and therefore not to be moulded by his own understanding:' he said, 'he did well remember it; but he would have them remember, that, when their consultations endeavoured to lessen the office and dignity of a king, they meddled with that which is not within their determination, and of which his majesty must give an account to God, and his other kingdoms, and must maintain with the sacrifice of his life.

278. 'Lastly, that Declaration told the people of a present, desperate, and malicious plot the malignant party was then acting, under the plausible notions of stirring men up to a care of preserving the King's prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, and encouraging learning, (indeed plausible and honourable notions to act any thing upon,) and that upon those grounds divers mutinous petitions had been framed in London, Kent, and other places.' His majesty asked, 'upon what grounds these men would have petitions framed? Had so many petitions, even against the form and constitution of the kingdom and the laws established, been joyfully received and accepted, and should petitions framed upon those grounds be called mutinous? Had a multitude of mean, unknown, inconsiderable, contemptible persons, about the city and suburbs of London, had liberty to petition against the government of the Church, against the Book of Common Prayer, against the freedom and privilege of Parliament, and been thanked for it; and should it be called mutiny in the gravest and best citizens of London, in the gentry and commonalty of Kent, to frame petitions upon those grounds, and to desire to be governed by the known laws of the land, not by orders and votes of either or both Houses? Could this be thought the wisdom and justice of both Houses of Parliament? Was it not evidently the work of a faction, within or without both Houses, who deceived the trust reposed in them, and had now told his majesty what mutiny was? To stir men up to a care of preserving his prerogative, maintaining the discipline of the Church, upholding and continuing the reverence and solemnity of God's service, encouraging of learning, was mutiny. Let heaven and earth, God and man, judge between his majesty and these men. And however such petitions were there called mutinous, and the petitioners threatened, discountenanced, censured, and imprisoned, if they brought such petitions to his majesty, he would graciously receive them, and defend them and their rights against what power soever, with the uttermost hazard of his being.'

279. His majesty said, 'he had been the longer, (to his very great pain,) in this answer, that he might give the world satisfaction, even in the most trivial particulars which had been objected against him, and that he might not be again reproached with any more prudent omissions. If he had been compelled to sharper language than his majesty affected, it might be considered how vile, how insufferable, his provocations had been: and, except to repel force were to assault, and to give punctual and necessary answers to rough and insolent demands were to make invectives, he was confident the world would accuse his majesty of too much mildness; and all his good subjects would think he was not well dealt with; and would judge of his majesty, and of their own happiness and security in him, by

his actions; which he desired might no longer prosper, or have a blessing 1642
from God upon them and his majesty, than they should be directed to the glory of God, in the maintenance of the true Protestant profession, to the preservation of the property and liberty of the subject in the observation of the laws, and to the maintenance of the rights and freedom of Parliament in the allowance and protection of all their just privileges.'

280. This Declaration was no sooner published, but his majesty likewise set forth an answer to that other Declaration of the 26th of May; in which he said, that

'Whosoever looked over the late Remonstrance, entitled *A Declaration of the Lords and Commons of the 26th May*, would not think that his majesty had great reason to be pleased with it; yet he could not but commend the plain-dealing and ingenuity of the framers and contrivers of that Declaration, (which had been wrought in a hotter and quicker forge than any of the rest,) who would no longer suffer his majesty to be affronted by being told, they would make him a great and glorious king, whilst they used all possible skill to reduce him to extreme want and indigency, and that they would make him to be loved at home and feared abroad, whilst they endeavoured by all possible ways to render him odious to his good subjects and contemptible to all foreign princes; but, like round-dealing men, told him in plain English that they had done him no wrong, because he was not capable of receiving any, and that they had taken nothing from him, because he had never any thing of his own to lose. If that doctrine were true, and that indeed he ought to be of no other consideration than they had informed his people in that Declaration, that gentleman[1] was much more excusable that said publicly, unreproved, that *the happiness of the kingdom did not depend on his majesty or upon any of the royal branches of that root*: and the other[2], who said, *his majesty was not worthy to be King of England*: language very monstrous to be allowed by either House of Parliament, and of which, by the help of God and the law, he must have some examination. But, he doubted not, all his good subjects did now plainly discern, through the mask and vizard of their hypocrisy, what their design was, and would no more look upon the framers and contrivers of that Declaration as upon both Houses of Parliament, (whose freedom and just privileges he would always maintain, and in whose behalf he was as much scandalized as for himself,) but as a faction of malignant, schismatical, and ambitious persons; whose design was, and always had been, to alter the whole frame of government, both of Church and State, and to subject both King and people to their own lawless, arbitrary power and government: of whose persons and of whose design,' his majesty said, 'he would within a very short time give his good subjects and the world a full, and, he hoped, a satisfactory narration.

281. 'The contrivers and penners of that Declaration (of whom his

[1] [Henry Martin, as stated in the King's Declaration of Aug. 12.]

[2] [Sir Henry Ludlow, father of Lieut. Gen. Ludlow, as stated *ibid.* His words were, however, censured by the Speaker by order of the House on the day on which they were spoken, May 7.]

1642 majesty would be only understood to speak, when he mentioned any of their undutiful acts against him) said, that the great affairs of the kingdom, and the miserable bleeding condition of the kingdom of Ireland, would afford them little leisure to spend their time in declarations, answers, and replies. Indeed,' his majesty said, 'the miserable and deplorable condition of both kingdoms would require somewhat else at their hands: but he would gladly know how they had spent their time since their recess, (then almost eight months,) but in declarations, remonstrances, and invectives against his majesty and his government, or in preparing matter for them. Had his majesty invited them to any such expense of time, by beginning arguments of that nature? Their leisure or their inclination was not as they pretended. And what was their printing and publishing their petitions to him; their declarations and remonstrances of him; their odious votes and resolutions, sometimes of one, sometimes of both Houses, against his majesty, (never in that manner communicated before this Parliament,) but an appeal to the people? And, in God's name, let them judge of the persons they had trusted.

282. 'Their first quarrel was (as it was always, to let them into their frank expressions of his majesty and his actions) against the *malignant party*, whom they were pleased still to call, and never to prove to be, his *evil counsellors*. But indeed nothing was more evident by their whole proceedings than that by the *malignant party* they intended all the members of both Houses who agreed not with them in their opinion, (thence had come their distinction of *good* and *bad lords*, of persons *ill affected* of the House of Commons, who had been proscribed, and their names listed and read in tumults,) and all the persons of the kingdom who approve not of their actions. So that if, in truth, they would be ingenuous, and name the persons they intended, who would be the men (upon whom the imputation of malignity would be cast,) but they who had stood stoutly and immutably for the religion, the liberties, the laws, for all public interests, (so long as there was any to be stood for;) they who had always been, and still were, as zealous professors, and some of them as able and earnest defenders, of the Protestant doctrine against the Church of Rome, as any were; who had often and earnestly besought his majesty to consent that no indifferent and unnecessary ceremony might be pressed upon weak and tender consciences, and that he would agree to a bill for that purpose? They to whose wisdom, courage, and counsel, the kingdom owed as much as it could to subjects; and upon whose unblemished lives envy itself could lay no imputation, nor endeavoured to lay any, until their virtues brought them to his majesty's knowledge and favour?' His majesty said, 'if the contrivers of that Declaration would be faithful to themselves, and consider all those persons of both Houses whom they in their own consciences knew to dissent from them in the matter and language of that Declaration, and in all those undutiful actions of which he complained, they would be found in honour, fortune, wisdom, reputation, and weight, (if not in number,) much superior to them. So much for the evil counsellors.

283. 'Then, what was the evil counsel itself? His majesty's coming from London (where he, and many, whose affections to him were very eminent, were in danger every day to be torn in pieces) to York; where

his majesty, and all such as would put themselves under his protection, might live, (he thanked God and the loyalty and affection of that good people,) very securely: his not submitting himself absolutely (and renouncing his own understanding) to the votes and resolutions of the contrivers of that Declaration, when they told his majesty that they were above him, and might, (by his own authority,) do with his majesty what they pleased: and his not being contented, that all his good subjects' lives and fortunes should be disposed of by their votes, but by the known law of the land. This was the evil counsel given and taken: and would not all men believe there needed much power and skill of the *malignant party* to infuse that counsel into him? And then, to apply the argument the contrivers of that Declaration made for themselves, was it probable, or possible, that such men whom his majesty had mentioned, (who must have so great a share in the misery,) should take such pains in the procuring thereof, and spend so much time, and run so many hazards, to make themselves slaves, and to ruin the freedom of this nation?' 1642

284. His majesty said, '(with a clear and upright conscience to God Almighty,) whosoever harboured the least thought in his breast of ruining or violating the public liberty or religion of the kingdom, or the just freedom and privilege of Parliament, let him be accursed; and he should be no counsellor of his that would not say *Amen*. For the contrivers of that Declaration, he had not said any thing which might imply any inclination in them to be slaves. That which he had charged them was, with invading the public liberty; and his presumption might be very strong and vehement, that, (though they had no mind to be slaves,) they were not unwilling to be tyrants. What is tyranny, but to admit no rules to govern by but their own wills? And they knew the misery of Athens was at the highest when it suffered under the thirty tyrants.'

285. His majesty said, 'if that Declaration had told him, (as indeed it might, and as in justice it ought to have done,) that the precedents of any of his ancestors did fall short and much below what had been done by him this Parliament in point of grace and favour to his people, he should no otherwise have wondered at it than at such a truth in such a place. But when, to justify their having done more than ever their predecessors did, it told his good subjects, (as most injuriously and insolently it did,) that the highest and most unwarrantable precedents of any of his predecessors did fall short and much below what had been done to them this Parliament by him, he must confess himself amazed, and not able to understand them; and he must tell those ungrateful men, (who durst tell their King, that they might without *want of modesty and duty* depose him[1],) that the condition of his subjects, when, (by whatsoever accidents and conjunctures of time,) it was at worst under his power, unto which, by no default of his, they should be ever again reduced, was, by many degrees, more pleasant and happy than that to which their furious pretence of reformation had brought them. Neither was his majesty afraid of the highest precedents of other Parliaments, which those men boldly (his good subjects would call it worse) told him, they might without want of modesty

[1] [See p. 121.]

1642 and duty make their patterns. If he had no other security against those precedents but their modesty and duty, he was in a miserable condition, as all persons would be who depended upon them.

286. 'That Declaration would not allow his inference, that by avowing the act of sir John Hotham they did destroy the title and interest of all his subjects to their lands and goods; but confessed, if they were found guilty of that charge, it were indeed a very great crime. And did they not in that Declaration admit themselves guilty of that very crime? Did they not say, Who doubts but that a Parliament may dispose of any thing wherein his majesty or his subjects had a right, in such a way as that the kingdom might not be in danger thereby? Did they not then call themselves this Parliament, and challenge that power without his consent? Did they not extend that power to all cases where the necessity or common good of the kingdom was concerned, and did they not arrogate to themselves alone the judgment of that danger, that necessity, and that common good of the kingdom? What was, if that were not, to unsettle the security of all men's estates, and to expose them to an arbitrary power of their own? If a faction should at any time, by cunning, or force, or absence, or accident, prevail over a major part of both Houses, and pretend that there were evil counsellors, a malignant party about the King, by whom the religion and liberty of the kingdom were both in danger, (this they might do; they had done it then;) they might take away, be it from the King or people, whatsoever they in their judgments should think fit. This was lawful; they had declared it so: let the world judge whether his majesty had charged them unjustly, and whether they were not guilty of the crime which themselves confessed (being proved) was a great one; and how safely his majesty might commit the power those people desired into their hands, who in all probability would be no sooner possessed of it than they would revive that tragedy which Mr. Hooker relates[1] of the Anabaptists in Germany; who, talking of nothing but faith and of the true fear of God, and that riches and honour were vanity, at first, upon the great opinion of their humility, zeal, and devotion, procured much reverence and estimation with the people; after, finding how many persons they had ensnared with their hypocrisy, they began to propose to themselves to reform both the ecclesiastical and civil government of the state: then, because possibly they might meet with some opposition, they secretly entered into a league of association; and shortly after, (finding the power they had gotten with the credulous people,) enriched themselves with all kind of spoil and pillage, and justified themselves upon our Saviour's promise, *The meek shall inherit the earth*; and declared their title [was[2]] the same which the righteous Israelites had to the goods of the wicked Egyptians.' His majesty said, 'this story was worth the reading at large, and needed no application.

287. 'But his majesty might by no means say, that he had the same title to his town of Hull, and the ammunition there, as any of his subjects had to their land or money: that was a principle that pulled up the foundation of the liberty and property of every subject. Why? Because the

[1] [*Eccl. Polity*, pref., chap. viii. 6, 10-12.] [2] ['and,' MS.]

King's property in his towns, and in his goods bought with the public money, (as they conceive his magazine at Hull to be,) was inconsistent with the subjects' property in their lands, goods, and liberty. Did these men think, that as they assumed a power of declaring law, (and whatsoever contradicted that declaration broke their privileges,) so that they had a power of declaring sense and reason, and imposing logic and syllogisms on the schools as well as law upon the people? Did not all mankind know that several men might have [several] rights and interests in the selfsame house and land, and yet neither destroy the other? Was not the interest of the lord paramount consistent with that of the mesne lord, and his with that of the tenant, and yet their properties or interests not at all confounded? And why might not his majesty then have a full, lawful interest and property in his town of Hull, and yet his subjects have a property in their houses too? But he could not sell or give away at his pleasure this town and fort, as a private man might do his lands or goods. What then? Many men have no authority to let or set their leases, or sell their land; have they therefore no title to them or interest in them? May they be taken from them because they cannot sell them?' He said, 'the purpose of his journey to Hull was neither to sell it or give it away. 1642

288. 'But for the magazine, the munition there, that he bought with his own money, he might surely have sold that, lent, or given it away. No; he bought it with the public money, and the proof is, they conceive it so; and upon that conceit had voted, that it should be taken from him. Excellent justice! Suppose his majesty had kept that money by him, and not bought arms with it, would they have taken it from him upon that conceit? Nay, might they not, wheresoever that money was, (for through how many hands soever it hath passed, it is the public money still, if ever it were,) seize it, and take it from the owners? But the towns, forts, magazine, and kingdom, is intrusted to his majesty; and he is a person trusted.' His majesty said, 'he was so; God, and the law, had trusted him; and he had taken an oath to discharge that trust for the good and safety of the people. What oaths they had taken, he knew not, unless those which, in that violence, they had manifestly maliciously violated. Might any thing be taken from a man because he is trusted with it? Nay, may the person himself take away the thing he trusts, when he will, and in what manner he will? The law had been otherwise, and he believed would be so held, notwithstanding their Declarations.

289. 'But that trust ought to be managed by their advice, and the kingdom had trusted them for that purpose. Impossible, that the same trust should be irrevocably committed to his majesty and his heirs for ever, and the same trust, and a power above that trust, (for so was the power they pretended,) be committed to others. Did not the people that sent them look upon them as a body but temporary, and dissoluble at his majesty's pleasure? And could it be believed that they intended them for his guardians, and controllers in the managing of that trust which God and the law had granted to him and to his posterity for ever? What the extent of the commission and trust was, nothing could better teach them than the writ whereby they are met.' His majesty said, 'he called them (and without that call they could not have come together) to be his counsellors,

1642 not commanders, (for, however they frequently confounded them, the offices were several,) and counsellors not in all things, but in some things, *de quibusdam arduis*, &c. And they would easily find amongst their precedents that Queen Elizabeth (upon whose [1] time all good men looked with rever-
1593. ence,) committed one Wentworth, a member of the House of Commons, to
Feb. 24. the Tower, (sitting the House,) but for proposing that they might advise the Queen in a matter she thought they had nothing to do to meddle in. But his majesty is trusted. And is he the only person trusted? And might they do what their own inclination and fury led them to? Were not they trusted by his majesty when he first sent for them; and were they not trusted by him when he passed them his promise that he would not dissolve them? Could it be presumed, (and presumptions go far with them,) that he trusted them with a power to destroy himself, and to dissolve his government and authority? If the people might be allowed to make an equitable construction of the laws and statutes, (a doctrine avowed by them,) would not all his good subjects swear, he never intended by that Act of continuance that they should do what they have since done? Were they not trusted by those that sent them? And were they trusted to alter the government of Church and State, and to make themselves perpetual dictators over the King and people? Did they intend that the law itself should be subject to their votes, and that whatsoever they said or did should be lawful, because they declared it so? The oaths they had taken who sent them, and without taking which, themselves were not capable of their place in Parliament, made [the one [2]] incapable of giving, and the other of receiving such a trust; unless they would persuade his good subjects, that his majesty is the only supreme head and governor in all causes and over all persons within his dominions, and yet that they had a power over him to constrain him to manage his trust and govern his power according to their discretion.

290. 'The contrivers of that Declaration told his majesty, that they would never allow him (an humble and dutiful expression) to be judge of the law; that belonged only to them; they might, and must, judge and declare.' His majesty said, 'they all knew what power the Pope, under the pretence of interpreting Scriptures, and declaring articles of faith, (though he decline the making the one or the other,) had usurped over men's consciences; and that, under colour of having power of ordering all things for the good of men's souls, he entitles himself to all the kingdoms of the world. He would not accuse the framers of that Declaration, (how bold soever they were with his majesty,) that they inclined to Popery, of which another maxim was, that all men must submit their reason and understanding, (and the Scripture itself,) to that declaring power of his: neither would he tell them, (though they had told him so,) that they use the very language of the rebels of Ireland: and yet they say those rebels declare, that whatsoever they do is for the good of the King and kingdom.

[1] ['good,' MS.; but not in the printed copies of the Answer. Nearly the whole of this Answer (from the middle of § 286) has been transcribed for Clarendon by a very careless scribe, which accounts for the many mistaken readings in the MS.]

[2] ['them,' MS.]

But [his [1]] good subjects would easily put the case to themselves, whether 1642
if the Papists in Ireland in [truth [2]] were, or by art or accident had made themselves, the major part of both Houses of Parliament there, and had pretended the trust (in that Declaration) from the kingdom of Ireland; thereupon had voted their religion and liberty to be in danger of extirpation from a malignant party of Protestants and Puritans, and, therefore, that they would put themselves into a posture of defence; that the forts and the militia of that kingdom were to be put into the hands of such persons as they could confide in; that his majesty was indeed trusted with the towns, forts, magazines, treasures, offices, and people of the kingdom, for the good, safety, and best advantage thereof, but as his trust is for the use of the kingdom, so it ought to be managed by the advice of both Houses of Parliament, whom the kingdom had trusted for that purpose, it being their duty to see it discharged according to [the [3]] condition and true intent thereof, and by all possible means to prevent the contrary:' his majesty said, 'let all his good subjects consider, if that rebellion had been plotted with all that formality, and those circumstances declared to be legal, (at least, according to the equitable sense of the law,) and to be for the public good, and justifiable by necessity, (of which they were the only judges,) whether they might have thought their design to be more cunning, they would believe it the more justifiable.

291. 'Nay, let the framers of that Declaration ask themselves, if the evil counsellors, the malignant party, the persons ill affected, the Popish lords and their adherents, should prove now or hereafter to be a major part of both Houses, (for it had been declared that a great part of both Houses had been such, and so might have been the greater; nay, the greater part of the House of Peers was still declared to be such, and [his majesty [4]] had not heard of any of their conversions; and thereupon it had been earnestly pressed, that the major part of the Lords might join with the major part of the House of Commons,) [would [5]] his majesty [be] bound to consent to all [such alterations [6]] as those men should propose to him, and resolve to be for the public good? And should the liberty, property, and security of all his subjects depend on what such votes should declare to be law? Was the order of the militia unfit and unlawful whilst the major part of the Lords refused to join in it, (as they had done two or three several times, and it was never heard before this Parliament that they should be so, and so often, pressed after a dissent declared,) and did it grow immediately necessary for the public safety, and lawful by the law of the land, as soon as so many of the dissenting peers were driven away, (after their names had been required at the bar, contrary to the freedom and foundation of Parliaments,) that the other opinion prevailed? Did the life and liberty of the subject depend upon such accidents of days and hours that it was impossible for him to know his right in either? God forbid.

292. 'But now, to justify their invasion of his majesty's ancient, unquestioned, undoubted, right, settled and established on his majesty and his posterity by God himself, confirmed and strengthened by all possible titles of compact, laws, oaths, perpetual and uncontradicted custom, by his people;

[1] ['as,' MS.] [2] ['trust,' MS.] [3] ['their,' MS.]
[4] ['they,' MS.] [5] ['and,' MS.] [6] ['that alteration,' MS.]

1642 what had they alleged to declare to the kingdom, (as they say,) the obligation that lieth upon the kings of this realm to pass all such bills as are offered unto them by both Houses of Parliament? A thing never heard of till that day: an oath, (authority enough for them to break all theirs,) that is or ought to be taken by the kings of this realm, which is, as well to remedy by law such inconveniences the king may suffer, as to keep and protect the laws already in being: and the form of this oath, (they said,) did appear upon a record there cited, and by a clause in the preamble of a statute made in the 25th year of Edward III.'

293. His majesty said, 'he was not enough acquainted with records to know whether that were fully and [ingenuously[1]] cited; and when, and how, and why, the several clauses had been inserted, or taken out of the oaths formerly administered to the kings of this realm: yet he could not possibly imagine the assertion that Declaration made could be deduced from the words or the matter of that oath: for, unless they had a power of declaring Latin as well as law, sure *elegerit* signified *hath chosen*, as well as *will choose*; and that it signified so there, (besides the authority of the [perpetual practice of all succeeding ages;[2]] a better interpreter than their votes,) it was evident by the reference it had to customs, *consuetudines quas vulgus elegerit*: and could that be a custom which the people should choose after this oath taken? And should a king be sworn to defend such customs? Besides, could it be imagined that he should be bound by oath to pass such laws, (and such a law was the bill they brought to him of the militia,) as should put the power wherewith he was trusted out of himself into the hands of other men, and divest and disable himself of all possible power to perform the great business of the oath, which was, to protect them? If his majesty gave away all his power, or it were taken from him, he could not protect any man: and what discharge would it be for his majesty, either before God or man, when his good subjects, whom God and the law had committed to his charge, should be worried and spoiled, to say that he trusted others to protect them, that is, to do that duty for him which was essentially and inseparably his own. But that all his good subjects might see how faithfully these men, who assumed this trust from them, desired to discharge their trust, he would be contented to publish, for their satisfaction, a matter notorious enough, but what he himself never thought to have been put to publish, and of which the framers of that Declaration might as well have made use as of a [Latin] record they knew many of his good subjects could not, and many of themselves did not, understand, the oath itself he took at his coronation, warranted and enjoined to it by the customs and directions of his predecessors; and the ceremony of their and his taking it; they might find it in the records of the Exchequer. This it is:

294. *The sermon being done, the archbishop goeth to the King, and asks his willingness to take the oath usually taken by his predecessors.*

295. *The King sheweth himself willing,* [*ariseth*] *and goeth to the altar. The archbishop administereth these questions, and the King answers them severally:—*

[1] ['ingeniously,' MS.]
[2] ['trial practice of all preceding times,' MS.]

296. Episcopus. *Sir, will you grant and keep, and by your oath confirm to the people of England, the laws and customs to them granted by the kings of England, your lawful and religious predecessors: and namely, the laws, customs, and franchises granted to the clergy, by the glorious king St. Edward, your predecessor, according to the laws of God, the true profession of the Gospel established in this kingdom, and agreeable to the prerogative of the kings thereof, and the ancient customs of this realm?* 1642

Rex. *I grant, and promise to keep them.*

297. Episc. *Sir, will you keep peace, and godly agreement entirely, (according to your power,) both to God, the holy Church, the clergy, and the people?*

Rex. *I will keep it.*

298. Episc. *Sir, will you (to your power) cause law, justice and discretion, in mercy and truth, to be executed in all your judgments?*

Rex. *I will.*

299. Episc. *Sir, will you grant to hold and keep the laws and rightful customs which the commonalty of this your kingdom have; and will you defend and uphold them to the honour of God, so much as in you lieth?*

Rex. *I grant, and promise so to do.*

300. *Then one of the bishops reads this admonition to the King, before the people, with a loud voice:*

301. *Our Lord and King, we beseech you to pardon, and to grant, and to preserve unto us, and to the churches committed to our charge, all canonical privileges, and due law and justice: and that you would protect and defend us, as every good king in his kingdom ought to be protector and defender of the bishops and the churches under their government.*

The King answereth:

302. *With a willing and devout heart I promise, and grant my pardon; and that I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges and due law and justice; and that I will be your protector and defender, to my power, by the assistance of God, as every good king in his kingdom in right ought to protect and defend the bishops and churches under their government.*

303. *Then the King ariseth, and is led to the Communion table: where he makes a solemn oath, in sight of all the people, to observe the premises; and, laying his hand upon the book, saith,*

The Oath.

304. *The things which I have before promised, I shall perform and keep: so help me God, and the contents of this book.*

305. His majesty said, 'All the world might judge, whether such doctrine, or such conclusions, as those men brought, could follow, or have the least pretence, from that oath. For the preamble of the statute they cited, that told his majesty, that the king was bound to remedy by

1642 law the mischieves and damages which happen to his people:' his majesty said, 'he was so;' but asked, 'whether the king were bound by the preamble of that statute to renounce his own judgment, his own understanding in those mischieves, and of those remedies? How far forth he was obliged to follow the judgment of his Parliament, that Declaration still confessed to be a question. Without question,' he said, 'none could take upon them to remedy even [mischiefs[1]] but by law, for fear of greater mischieves than those they go about to remedy.

306. 'But his majesty was bound in justice to consent to their proposals, because there was a trust reposed in his majesty to preserve the kingdom by making new laws.' He said, 'he was glad there was so; then he was sure no new law could be made without his consent; and that the gentleness of his answer, *Le roy s'avisera*, if it be no denial, it is no consent; and then the matter was not great. They would yet allow his majesty a greater latitude of granting or denying as he should think fit in public acts of grace, as pardons, or the like grants of favour: why did they so? If those pardons and public acts of grace were for the public good, ([which][2] they might vote them to be,) they would then be absolutely in their own disposal; but had they left that power to his majesty? They had sure at least shared it with him; how else had they got the power to pardon sergeant-major-general Skippon, (a new officer of state, and a subject his majesty had no authority to send to speak with,) [and all[3]] other persons employed by them, and such as had employed themselves for them, not only for what they had done, but for what they should do? If they had power to declare such actions to be no treason which his majesty would not pardon, and such actions to be treason which need no pardon; the latitude they allowed his majesty of granting or denying of pardons was a jewel they might still be content to suffer his majesty to wear in his crown, and never think themselves the more in danger.

307. 'All this considered, the contriver of that message, (since they would afford his majesty no better title,) whom they were angry with, did not conceive the people of this land [to be] so void of common sense as to believe his majesty, (who had denied no one thing for the ease and benefit of them which in justice or prudence could be asked, or in honour and conscience could be granted,) to have cast off all care of the subjects' good; and the framers and devisers of that Declaration (who had endeavoured to render his majesty odious to his subjects, and them disloyal to him, [by[4]] pretending such a trust in them) to have only taken it up: neither, he was confident, would they be satisfied, when they felt the misery and the burdens which the fury and the malice of those people would bring upon them, with being told that calamity proceeded from evil counsellors whom nobody could name, from plots and conspiracies which no man could discover, and from fears and jealousies which no man understood; and therefore, that the consideration of it should be left to the conscience, reason, affection, and loyalty of his good subjects, who do

[1] ['mischances,' MS.]
[2] ['while,' MS.]
[3] ['shall,' MS.]
[4] ['they,' MS.]

understand the government of this kingdom,' his majesty said, 'he was well content.' 1642

308. His majesty asked, 'Where the folly and madness of those people would end, who would have his people believe that his absenting himself from London, (where with his safety he could not stay,) and the continuing his magazine at Hull, proceeded from the secret plots of the Papists here, and to advance the designs of the Papists in Ireland? But it was no wonder that they who could believe sir J. Hotham's shutting his majesty out of Hull to be an act of affection and loyalty, would believe that the Papists or the Turk persuaded him to go thither.

309. 'And could any sober man think that Declaration to be the consent of either or both Houses of Parliament, unawed either by fraud or force, which (after so many thanks, and humble acknowledgments of his gracious favour in his message of the 20th of January, so often and so unanimously presented to his majesty from both Houses of Parliament) now told him, That the message at first was, and, as often as it had been since mentioned by him, had been, a breach of privilege, (of which they had not used to have been so negligent, as in four months not to have complained, if such a breach had been,) and that their own method of proceeding should not be proposed to them: as if his majesty had only authority to call them together, not to tell them what they were to do, not so much as with reference to his own affairs. What their own method had been, and whither it had led them and brought the kingdom, all men see; what [his[1]] would have been, if seasonably and timely applied unto, all men might judge; his majesty would speak no more of it.

310. 'But see now what excellent instances they had found out, to prove an inclination, if not in his majesty, in some about him, to civil war: their going with his majesty to the House of Commons, (so often urged, and so fully answered,) their attending on him to Hampton Court, and appearing in a warlike manner at Kingston-upon-Thames; his going to Hull; their drawing their swords at York, demanding, *Who would be for the King?* the declaring sir John Hotham traitor, before the message sent to the Parliament; the propositions to the gentry in Yorkshire to assist his majesty against sir John Hotham, before he had received an answer from the Parliament. All, desperate instances of an inclination to a civil war. Examine them again! The manner and intent of his going to the House of Commons he had set forth at large in his answer to their Declaration of the 19th of May; all men might judge of it. Next, did they themselves believe, (to what purpose soever that rumour had served their turns,) that there was an appearance in warlike manner at Kingston-upon-Thames? Did they not know, that whensoever his majesty had been at Hampton Court, since his first coming to the crown, there was never a less appearance, or in a less warlike manner, than at the time they meant?' He said, 'he would say no more, but that his appearance in a warlike manner at Kingston-upon-Thames and theirs at Kingston-upon-Hull was very different. What was meant by the drawing of swords at York, and demanding, *Who would be for the King*, must be enquired at London; for his majesty believed very few in York understood the meaning of it.

[1] ['this,' MS.]

1642 For his going to Hull, (which they would by no means endure should be called a visit,) whether it were not the way to prevent, rather than to make, a civil war, was very obvious: and the declaring him a traitor, in the very act of his treason, would never be thought unseasonable but by those who believed him to be a loving and loyal subject; no more than the endeavouring to make the gentlemen of that county sensible of that treason, (which they were in an honourable and dutiful degree,) before he received the answer from both Houses of Parliament: for, if they had been, (as his majesty expected they should have been,) sensible of that intolerable injury offered to him, might he not have had occasion to have used the affection of these gentlemen? Was he sure that sir John Hotham, who had kept him out without their order, (he spake of a public order,) would have let him in, when they had bidden[1] him? And if they had not such a sense of him, (as the case falls out to be,) had he not more reason to make propositions to those gentlemen, whose readiness and affection he or his posterity would never forget?

311. 'But this business of Hull sticks still with them; and, finding his questions hard, they are pleased to answer his majesty by asking other questions of him: no matter for the exceptions against the earl of Newcastle, (which have been so often urged as one of the principal grounds of their fears and jealousies, and which drew that question from him,) they asked his majesty, why, when he held it necessary that a governor should be placed in Hull, sir John Hotham should be refused by him, and the earl of Newcastle sent down?' His majesty answered, 'because he had a better opinion of the earl of Newcastle than of sir John Hotham; and desired to have such a governor over his towns, (if he must have any,) as should keep them for, and not against, him: and if his going down were in a more private way than sir John Hotham's, it was because he had not that authority to make a noise by levying and billeting of soldiers, in a peaceable time, upon his good subjects, as it seemed sir John Hotham carried down with him. And the imputation which is cast by the way upon that earl, to make his reputation not so unblemished as he conceived and the world believes it to be, and which, though it was not ground enough for a judicial proceeding, (it is wonder it was not,) was yet ground enough of suspicion, must be the case of every subject in England, (and he wished it went no higher,) if every vile aspersion, contrived by unknown hands, upon unknown or unimaginable grounds, (which is the way practised to bring any virtuous and deserving men into obloquy,) should receive the least credit or countenance in the world.

312. 'They tell him, their exception to those gentlemen who delivered their petition to him at York was, that they presumed to take the style upon them of *all the gentry and inhabitants of that county;* whereas, they say, so many more of as good quality as themselves, of that county, were of another opinion, and have since, by their petition to his majesty, disavowed that act. Their information in that point,' his majesty said, 'was no better than it useth to be; and they would find that neither the number or the quality of those who have or will disavow that petition

[1] [Erroneously altered by Clarendon himself to 'forbidden' in the MS.]

was as they imagine; though too many weak persons were misled (which 1642
they did, and would every day more and more, understand) by the faction, skill, and industry of that true malignant party of which he did and had reason to complain. They said, they had [received] no petition of so strange a nature. What nature? Contrary to the votes of both Houses. That is, they had received no petition they had no mind to receive. But his majesty had told them again, and all his good subjects would tell them, that they had received petitions, with joy and approbation, against the votes of both Houses of their predecessors, confirmed and established into laws by the consent of his majesty and his ancestors; and allowed those petitions to carry the style, and to seem to carry the desires, of cities, towns, and counties, when, of either city, town, or county, very few known or considerable persons had been privy to such petitions: whereas, in truth, the petitions delivered to his majesty, against which they except, carried not the style of *all*, but *some*, of the gentry and inhabitants, and implied no other consent than such as went visibly along with it.

313. 'But his majesty was all this while in a mistake; the magazine at Hull was not taken from him. Who told them so? They who assure them, (and whom without breaking their privileges they must believe,) that sir John Hotham's shutting the gates against his majesty, and resisting his entrance with armed men, (though he thought it in defiance of him,) was indeed in obedience to him and his authority, and for his service and the service of the kingdom. He was to let none in but such as came with his majesty's authority signified by both Houses of Parliament: (himself and they had ordered it so:) and therefore he kept his majesty out only till his majesty, or he himself, might send for their directions.' His majesty said, 'he knew not whether the contrivers of that Declaration meant that his good subjects should so soon understand, (though it was plain enough to be understood,) the meaning of *the King's authority signified by both Houses of Parliament*: but sure the world would now easily discern in what miserable case he had by this time been, (it is bad enough as it is,) if he [had] consented to their bill, or to their ordinance, of the militia, and given those men power to have raised all the arms of the kingdom against him, for the common good, by his own authority: would they not, as they had kept him from Hull, by this time have beaten him from York, and pursued him out of the kingdom, in his own behalf? Nay, might not this munition, (which is not taken from him,) be employed against him, not against his authority signified by both Houses of Parliament, but only to kill those ill counsellors, the malignant party, which is about him, and yet for his good, for the public good, (they would declare it so,) and so no treason within the statute of 25 Ed. III.? which, by their interpretation, had left his majesty the King of England absolutely less provided for, in point of safety, than the meanest subject of the kingdom: and every subject of this land (for whose security that law was made, that they may know their duty, and their danger in breaking of it) may be made a traitor when these men please to say he is so. But did they think that upon such an interpretation, (upon pretence of authority of book-cases and precedents, which, without doubt, they would have cited if they had been to their purpose,) out of which nothing can

1642 result but confusion to king and people, would find any credit with his good subjects[1]? and that so excellent a law, made both for security of king and people, shall be so eluded, by an interpretation no learned lawyer in England would at this hour, he believed, set under his hand, notwithstanding the authority of that Declaration, which he hoped shall bring nothing but infamy upon the contrivers of it?

314. 'Now to their privileges. Though it be true, they say, that their privileges do not extend to treason, felony, or breach of the peace, so as to exempt the members from all manner of process and trial, yet it doth privilege them in the way or method of their trial: the cause must be first brought before them, and their consent asked, before you can proceed. Why then their privileges extend as far in these cases as in any that are most unquestioned; for no privilege whatsoever exempts them from all manner of process and trial, if you first acquaint the House with it, and they give you leave to proceed by those processes or to that trial. But by this rule, if a member of either House commit a murder, you must by no means meddle with him till you have acquainted that House of which he is a member, and received their direction for your proceeding, assuring yourself he will not stir from that place where you left him till you return with their consent; should it be otherwise, it would be in the power of every man, under the pretence of murder, to take one after another, and as many as he pleaseth, and so, consequently, bring a Parliament to what he pleaseth when he pleaseth. If a member of either House shall take a purse at York, (he may as probably take a purse from a subject as arms against his King,) you must ride to London to know what to do, and he may ride with you and take a new purse every stage, and must not be apprehended, or declared a felon, till you have asked that House of which he is a member; should it be otherwise, it might be in every man's power to accuse as many members as he would of taking purses, and so bring a Parliament, (and so all Parliaments,) to nothing. Would these men be believed? And yet they make no doubt but every one who hath taken the Protestation would defend this doctrine with his life and fortune. Would not his subjects believe that they had imposed a pretty Protestation upon them, and that they had a very good end in the doing of it, if it obligeth them to such hazards, to such undertakings? Must they forget or neglect his majesty's person, honour, and estate, which by that Protestation they are bound to defend, and in some degree do understand? And must they only venture their lives and fortunes to justify privileges they know not, or ever heard of before? Or are they bound by that Protestation to believe, that the framers of that Declaration have power to extend their own privileges as far as they think fit, and to contract his majesty's rights as much as they please; and that they are bound to believe them in either, and to venture their lives and fortunes in that quarrel?

315. 'From declaring how mean a person his majesty is, and how much the kingdom hath been mistaken in the understanding of the statute of 25 Ed. III. concerning treason, and that all men need not fear levying

[1] [This defective sentence stands thus in the original text. Apparently 'they' is omitted before 'would.']

war against him so they have their order to warrant them; they proceed, 1642
in the spirit of declaring, to certify his subjects in the mistakings which near one hundred and fifty years have been received concerning the statute of the eleventh year of Hen. VII. ch. 1, (a statute all good subjects will read with comfort,) and tell them, that the serving of the king for the time being cannot be meant of Perkin Warbeck, or of any that should call himself king, but such a one as is allowed and received by the Parliament in the behalf of the kingdom. And was not his majesty so allowed? However, through a dark mist of words, and urging their old privileges, (which he hoped he had sufficiently answered, and will be every day more confuted by the actions of his good subjects,) they conclude, that those that shall guide themselves by the judgment of Parliament, (which they say is their own,) ought, whatsoever happen, to be secure and free from all account and penalties, upon the ground and equity of that very statute. How far their own chancellor may help them in that equity, his majesty knew not; but (by the help of God, and that good law,) he would allow no such equity. So then, [here[1]] is the doctrine of that Declaration, and these are the positions of the contrivers of it:—

1. *That they have an absolute power of declaring the law, and that whatsoever they declare to be so ought not to be questioned by his majesty or any subject.* So that all right and safety of him and his people must depend upon their pleasure.

2. *That no precedents can be limits to bound their proceedings.* So they may do what they please.

3. *That the Parliament may dispose of any thing wherein the King or subject hath a right, for the public good; that they, without the King, are this Parliament, and judge of this public good; and that his majesty's consent is not necessary.* So the life and liberty of the subject, and all the good laws made for the security of them, may be disposed of, and repealed, by the major part of both Houses, at any time present and by any ways and means procured so to be; and his majesty had no power to protect them.

4. *That no member of either House ought to be troubled or meddled with for treason, felony, or any other crime, without the cause first brought before them, that they may judge of the fact, and their leave obtained to proceed.*

5. *That the sovereign power resides in both Houses of Parliament, and that his majesty had no negative voice.* So then his majesty himself must be subject to their commands.

6. *That the levying of forces against the personal commands of the King (though accompanied with his presence) is not levying war against the King; but the levying war against his laws and authority, (which they have power to declare and signify), though not against his person, is levying war against the King: and that treason cannot be committed against his person otherwise than as he is intrusted with the kingdom, and discharging that trust; and that they have a power to judge whether he discharge this trust or no.*

7. *That if they should make the highest precedents of other parliaments*

[1] ['there,' MS.]

1642 *their patterns, there would be no cause to complain of want of modesty or duty in them.* That is, they may depose his majesty when they will, and are not to be blamed for so doing.

316. 'And now, (as if the mere publishing of their resolutions would not only prevail with the people, but, in the instant, destroy all spirit and courage in his majesty to preserve his own right and honour,) they had since taken the boldness to assault him with certain propositions; which they call *the most necessary effectual means for the removing those jealousies and differences between his majesty and his people*; that is, that he would be content to divest himself of all his regal rights and dignities; be content with the title of a king, and suffer them, according to their discretion, to govern him and the kingdom, and to dispose of his children. How suitable and agreeable this doctrine and these demands were to the affection of his loving subjects, under whose trust these men pretend to say and do these monstrous things, and to design not only the ruin of his person but of monarchy itself, (which, he might justly say, was more than ever was offered in any of his predecessors' times; for though the person of the king hath been sometimes unjustly deposed, yet the regal power was never before [this] time strucken at,) he believes his good subjects would find some way to let them and the world know: and, from this time, such who had been misled by their ill counsels to have any hand in the execution of the militia would see to what ends their service was designed; and therefore, if they should presume hereafter to meddle in it, they must expect that he would immediately proceed against them as actual raisers of sedition, and as enemies to his sovereign power.'

317. His majesty said, 'He had done: and should now expect the worst actions these men had power to commit against him, (worse words they could not give him); and he doubted not but the major part of both Houses of Parliament, when they might come together with their honour and safety, (as well those who were surprised at the passing of it, and understood not the malice in it, and the confusion that must grow by it, if believed, as those who were absent, or involved,) would so far resent the indignity offered to his majesty, the dishonour to themselves, and the mischief to the whole kingdom, by that Declaration, that they would speedily make the foul contrivers of it instances of their exemplary justice, and brand them and their doctrine with the marks of their perpetual scorn and indignation.'

318. Whilst this Answer and Declaration of his majesty was preparing and publishing, which was done with all imaginable haste, and to which they made no reply till many months after the war was begun, they proceeded in all their counsels towards the lessening his majesty both in reputation and power, and towards the improving their own interests. For the first, upon the advantage of their former vote, of the King's inten-
May 27. tion to levy war against his Parliament, in the end of May they published orders that the shrieves of the adjacent counties

should hinder, and 'make stay of, all arms and ammunition 1642
carrying towards York,' until they had given notice thereof unto the Lords and Commons, and should have received their further direction; and that they should prevent the 'coming May 28.
together of any soldiers, horse or foot, by any warrant of his majesty, without their advice or consent:' which they did,—not upon any opinion that there would be any arms or ammunition carrying to his majesty, they having entirely possessed themselves of all his stores, or that they indeed believed there was any commission or warrant to raise soldiers, which they well knew there was not; but—that, by this means, their agents in the country (which many shrieves and justices of peace were, and most constables and inferior officers) might upon this pretence hinder the resorting to his majesty; which they did with that industry, that few who, foreseeing the design of those orders, did not decline the great roads, and made not pretences of travelling to some other place, who travelled in any equipage towards his majesty, scaped without being stayed by such watches: and most that were so stayed, finding it no boot to attend the resolution or justice of the Houses, who always commended the vigilance of their ministers, and did not expect they should be bound up by the letter of their orders, made shift to escape with their own persons, and were contented to leave their horses behind them; they who attended to be repaired by the justice of the Houses finding so many delays, and those delays to be so chargeable, and themselves objected to so many questions and such an inquisition, that they thought their liberty a great prize, whatever they left behind them.

319. For the improving their interest and dependence, though they had as much evidence of the affections of the city as could reasonably be expected, and by their exercise of the militia had united them in a firm bond, the communication of guilt, yet they well understood their true strength consisted in the rabble of the people, far the greatest part of the substantial and wealthy citizens being not of their party; and except some expedient were found out whereby they might

1642 be involved and concerned in their prosperity or ruin, they thought themselves not so much in truth possessed of that city as they seemed to be. They had heard it said, that Edward IV. of England recovered the city of London, and by that the kingdom, by the vast debts that he owed there; men looking upon the helping of him to the crown as the helping themselves to their money, which was else desperate. Upon this ground, they had taken the first opportunity of borrowing great sums of them in the beginning of this Parliament, when the richest and best affected men, upon a presumption that hereby the Scots' army would suddenly march into their own country, and the English as soon be disbanded, cheerfully furnished that money; and upon this ground they still forbore to repay those sums, disposing what was brought in upon the bills of subsidy, and other public bills, to other purposes. And now, to make themselves more sure of them, they borrowed
June 3. another sum of £100,000 of them, upon pretence of the great exigences of Ireland; which was their two-edged sword, to lead them into the liberty of laying what imputations they thought most convenient for their purposes upon the King and Queen, and to draw what money they thought fit from the city, and served them now to another important end, to raise soldiers; but that service itself, in order to suppressing the rebellion there, was not in any degree advanced. Having by these means thus provided for their main ends, they made the people believe they were preparing propositions to send to the King; and the people were yet so innocent as to believe that they would never send propositions that were not reasonable: for though [the] unusual acts [which] had been done by the King, as the going to the House of Commons and demanding the members there, had put them into as unusual apprehensions; and those, by the warmth and heat of Declarations and Answers, had drawn from them by degrees another kind of language than had before been used; yet most men believed, when those passions were digested, and that any propositions should be made by them, (which the King had long called for and invited,) that they could not but be such

as would open a door for that affection, confidence, duty, and trust, upon which the peace of the kingdom might be reasonably founded. And propositions they did send to the King in the beginning of June; which were presented to his majesty with great solemnity by their committee resident there; which in this place are very necessary to be inserted, in the very terms in which they were presented, as followeth:— 1642 June 3.

320. *The humble Petition and Advice of both Houses of Parliament, with nineteen Propositions, and the conclusion, sent unto his Majesty the second of June, 1642* [1].

'Your majesty's most humble and faithful subjects, the Lords and Commons in Parliament, having nothing in their thoughts and desires more precious and of higher esteem, (next to the honour and immediate service of God,) than the just and faithful performance of their duty to your majesty and this kingdom; and being very sensible of the great distractions and distempers, and of the imminent dangers and calamities which those distractions and distempers are like to bring upon your majesty and your subjects; (all which have proceeded from the subtle informations, mischievous practices, and evil counsels of men disaffected to God's true religion, your majesty's honour and safety, and the public peace and prosperity of your people;) after a serious observation of the causes of those mischiefs, do, in all humility and sincerity, present to your majesty their most dutiful petition and advice: that, out of your princely wisdom for the establishing your own honour and safety, and gracious tenderness of the welfare and security of your subjects and dominions, you will be pleased to grant and accept these their humble desires and propositions, as the most necessary and effectual means, through God's blessing, of removing those jealousies and differences which have unhappily fallen out betwixt you and your people, and procuring both your majesty and them a constant course of honour, peace, and happiness.

The Propositions

321. 1. 'That the lords and others of your majesty's Privy Council, and such great officers and ministers of State, either at home or beyond the seas, may be put from your Privy Council, and from those offices and employments, excepting such as shall be approved of by both Houses of Parliament: and that the persons put into the places and employments of those that are removed may be approved of by both Houses of Parliament; and that Privy Councillors shall take an oath for the due execution of their places, in such form as shall be agreed upon by both Houses of Parliament.

2. 'That the great affairs of the kingdom may not be concluded or transacted by the advice of private men, or by any unknown or unsworn councillors; but that such matters as concern the public, and are proper for the high court of Parliament, which is your majesty's great and

[1] [The Propositions passed the Houses on June 1, and were ordered on June 2 to be printed.]

1642 supreme Council, may be debated, resolved, and transacted only in Parliament, and not elsewhere: and such as shall presume to do any thing to the contrary shall be reserved to the censure and judgment of Parliament: and such other matters of state as are proper for your majesty's Privy Council shall be debated and concluded by such of the nobility and others as shall from time to time be chosen for that place by approbation of both Houses of Parliament: and that no public act concerning the affairs of the kingdom, which are proper for your Privy Council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of your Council, attested under their hands. And that your Council may be limited to a certain number, not exceeding twenty-five, nor under fifteen: and if any councillor's place happen to be void in the interval of Parliament, it shall not be supplied without the assent of the major part of the Council, which choice shall be confirmed at the next sitting of Parliament, or else to be void.

3. 'That the Lord High Steward of England, Lord High Constable, Lord Chancellor, or Lord Keeper of the Great Seal, Lord Treasurer, Lord Privy Seal, Earl Marshal, Lord Admiral, Warden of the Cinque Ports, Chief Governor of Ireland, Chancellor of the Exchequer, Master of the Wards, Secretaries of State, two Chief Justices and Chief Baron, may always be chosen with the approbation of both Houses of Parliament, and in the intervals of Parliaments by assent of the major part of the Council, in such manner as is before expressed in the choice of councillors.

4. 'That he or they unto whom the government and education of the King's children shall be committed shall be approved of by both Houses of Parliament, and in the intervals of Parliaments by the assent of the major part of the Council, in such manner as is before expressed in the choice of councillors; and that all such servants as are now about them, against whom both Houses shall have any just exceptions, shall be removed.

5. 'That no marriage shall be concluded or treated for any of the King's children with any foreign prince, or other person whatsoever abroad or at home, without the consent of Parliament, under the penalty of a *præmunire* unto such as shall conclude or treat any marriage as aforesaid: and that the said penalty shall not be pardoned, or dispensed with, but by the consent of both Houses of Parliament.

6. 'That the laws in force against Jesuits, priests, and Popish recusants, be strictly put in execution, without any toleration or dispensation to the contrary: and that some more effectual course may be enacted by authority of Parliament to disable them from making any disturbance in the State, or eluding the laws by trusts, or otherwise.

7. 'That the votes of Popish lords in the House of Peers may be taken away so long as they continue Papists: and that your majesty will consent to such a bill as shall be drawn for the education of the children of Papists by Protestants in the Protestant religion.

8. 'That your majesty will be pleased to consent, that such a reformation be made of the church-government and liturgy as both Houses of Parliament shall advise; wherein they intend to have consultations with

divines, as is expressed in their Declaration to that purpose: and that 1642
your majesty will contribute your best assistance to them, for the raising of a sufficient maintenance for preaching ministers through the kingdom: and that your majesty will be pleased to give your consent to laws for the taking away of innovations and superstition and of pluralities, and against scandalous ministers.

9. 'That your majesty will be pleased to rest satisfied with that course that the Lords and Commons have appointed for ordering of the militia, until the same shall be further settled by a bill: and that your majesty will recall your declarations and proclamations against the ordinance made by the Lords and Commons concerning it.

10. 'That such members of either House of Parliament as have during this present Parliament been put out of any place and office may either be restored to that place and office, or otherwise have satisfaction for the same, upon the petition of that House whereof he or they are members.

11. 'That all Privy Councillors and judges may take an oath, the form whereof to be agreed on and settled by Act of Parliament, for the maintaining of the Petition of Right, and of certain statutes made by this Parliament, which shall be mentioned by both Houses of Parliament; and that an inquiry of all breaches and violations of those laws may be given in charge by the justices of the King's Bench every term, and by the judges of assize in their circuits, and justices of the peace at the sessions, to be presented and punished according to law.

12. 'That all the judges, and all the officers placed by approbation of both Houses of Parliament, may hold their places *quamdiu bene se gesserint*.

13. 'That the justice of Parliament may pass upon all delinquents, whether they be within the kingdom or fled out of it: and that all persons cited by either House of Parliament may appear, and abide the censure of Parliament.

14. 'That the general pardon offered by your majesty may be granted with such exceptions as shall be advised by both Houses of Parliament.

15. 'That the forts and castles of this kingdom may be put under the command and custody of such persons as your majesty shall appoint with the approbation of your Parliament; and in the intervals of Parliament with approbation of the major part of the Council, in such manner as is before expressed in the choice of councillors.

16. '[That] the extraordinary guards and military forces now attending your majesty may be removed and discharged; and that for the future you will raise no such guards or extraordinary forces but according to the law in case of actual rebellion or invasion.

17. 'That your majesty will be pleased to enter into a more strict alliance with the States of the United Provinces, and other neighbour princes and states of the Protestant religion, for the defence and maintenance thereof, against all designs and attempts of the Pope and his adherents to subvert and suppress it; whereby your majesty will obtain a great access of strength and reputation, and your subjects be much encouraged and enabled, in a parliamentary way, for your aid and assistance in restoring your royal sister and her princely issue to those

1642 dignities and dominions which belong unto them, and relieving the other distressed Protestant princes who have suffered in the same cause.

18. 'That your majesty will be pleased by Act of Parliament to clear the lord Kimbolton, and the five members of the House of Commons, in such manner that future Parliaments may be secured from the consequence of that evil precedent.

19. 'That your majesty will be graciously pleased to pass a bill for restraining peers made hereafter, from sitting or voting in Parliament unless they be admitted thereunto with the consent of both Houses of Parliament.

322. 'And these our humble desires being granted by your majesty, we shall forthwith apply ourselves to regulate your present revenue in such sort as may be for your best advantage, and likewise to settle such an ordinary and constant increase of it as shall be sufficient to support your royal dignity in honour and plenty, beyond the proportion of any former grants of the subjects of this kingdom to your majesty's royal predecessors: we shall likewise put the town of Hull into such hands as your majesty shall appoint with the consent and approbation of Parliament, and deliver up a just account of all the magazine; and cheerfully employ the uttermost of our power and endeavours in the real expression and performance of our most dutiful and loyal affections, to the preserving and maintaining the royal honour, greatness, and safety of your majesty and your posterity.'

June 1. 323. The same day that these Articles of Deposition were passed the Houses, that his majesty might see how unable he was like to be to contend with them, they declared by an order, the same day printed and carefully dispersed, that they had received information, (and indeed their informations were wonderful particular from all parts beyond sea, of whatsoever was agitated on the King's behalf, as well as from his Court of whatsoever was designed, or almost but thought of to himself: besides, they could pretend to receive information of whatsoever would any way conduce to their purpose, true or false,) 'that the jewels of the Crown (which,' they said, 'by the law of the land ought not to be aliened) were either pawned or sold in Amsterdam, or some other parts beyond the seas; and thereby great sums of money provided to be returned to York, or to some of his majesty's servants or agents for his majesty's use: and because,' they said, 'it was more than probable that great provision of moneys, in such an extraordinary way, was to maintain the intended war against the Parliament, and thereby to bring the whole kingdom into utter ruin and combustion; it was therefore declared by the Lords and Commons

in Parliament, that whosoever had been or should be an actor 1642
in the selling or pawning of any jewels of the Crown, or had or should pay, lend, send, or bring any money *in specie* into this kingdom, for or upon any of those jewels; or whosoever had or should accept of any bill from beyond the seas for the payment of any sum of money for or upon any of those jewels, and should pay any sum according to such bill, after notice of that order, without acquainting that House with the receipt of that bill before he accept the same; or if he had already accepted any such bill, then with the acceptance thereof, before the payment of the money; every such person should be held and accounted a promoter of that intended war, an enemy to the State, and ought to give satisfaction for that public damage out of his own estate.'

324. Upon this confident assumption that it was not in the King's power to dispose the jewels of the Crown; that whatsoever jewels were offered to be pawned or sold by any of the King's ministers beyond the seas were the jewels of the Crown, and no other; and that all money returned from thence for his majesty's service was money so raised and procured; they so much terrified men of all conditions that the Queen having, by the sale of some of her own jewels and by her other dexterity, procured some money for the King's supply, she could not, in a long time, find any means to transmit it. However, this made no impression upon the King's resolutions; and though it might have some influence upon merchantly men, yet it stirred up most generous minds to an indignation on the King's behalf, and was new evidence, (if there had wanted any,) what kind of greatness he was to expect from complying with such immodest and extravagant proposers.

325. The King was once resolved to have returned no answer to them upon those Propositions, but to let the people alone to judge of the unreasonableness of them, and of the indignity offered to him in the delivery of them; and that was the reason of the short mention he made of them in the close of his Declaration to theirs of the 26th of May: but he was afterwards persuaded to vouchsafe a further notice of them,

1642 there being some particulars popular enough, and others that at the first view seemed not altogether so derogatory to him and so inconvenient to the people as in truth they were; and that therefore it was necessary to let all the people know that whatsoever was reasonable, and might be beneficial to the kingdom, had been for the most part before offered by his majesty, and should all be readily granted by him; and so to unfold the rest to them, that they might discern their own welfare and security to be as much endangered by those demands as the King's rights, honour, and dignity. So that in
June 18. a short time after he received them, he sent to the two Houses, and published to the kingdom, his answer to those Nineteen Propositions; in which

326. He first remembered them of their 'method they had observed in their proceedings towards him: that they had first totally suppressed the known law of the land, and denied his power to be necessary to the making new, reducing the whole to their own declarations and single votes: that they had possessed themselves of his magazines, forts, and militia: that they had so awed his subjects with pursuivants, long chargeable attendance, heavy censures, and illegal imprisonments, that few of them durst offer to present their tenderness of his majesty's sufferings, their own just grievances, and their sense of those violations of the law, (the birthright of every subject of the kingdom,) though in an humble petition to both Houses: and if any did, it was stifled in the birth, called sedition, and burned by the common hangman: that they had restrained the attendance of his ordinary and necessary household servants, and seized upon those small sums of money which his credit had provided to buy him bread, with injunctions that none should be suffered to be conveyed or returned to his majesty to York, or to any of his peers, or servants with him, so that in effect they had blocked him up in that county: that they had filled the ears of his people with fears and jealousies, (though taken up upon trust,) tales of skippers, salt fleets, and such like, by which alarums they might prepare them to receive such impressions as might best advance their design when it should be ripe. And now it seemed they thought his majesty sufficiently prepared for those bitter pills; that he was in a handsome posture to receive those humble desires; (which probably were intended to make way for a superfœtation of a yet higher nature; for they did not tell him this was all.)' He said, 'he must observe, that those contrivers, (the better to advance their true ends,) in those propositions disguised as much as they could their intents, with a mixture of some things really to be approved by every honest man, others specious and popular, and some which were already granted by his majesty: all which were cunningly twisted and mixed with those other things of their main design, of ambition and private interest, in hope that, at the first

view, every eye might not so clearly discern them in their proper colours.' 1642

327. His majesty said, 'if the 1, 2, 3, 4, 5, 9, 10, 15, 16, 19, demands had been writ and printed in a tongue unknown to his majesty and his people, it might have been possible that he and they might have charitably believed the Propositions to be such as might have been in order to the ends pretended in the petition; to wit, the establishment of his honour and safety, the welfare and security of his subjects and dominions, and the removing those jealousies and differences which were said to have unhappily fallen betwixt his majesty and his people, and procuring both his majesty and them a constant course of honour, peace, and happiness. But being read and understood by all, he could not but assure himself that that profession, joined to those Propositions, would rather appear a mockery and a scorn; the demands being such, that he were unworthy of the trust reposed in him by the law, and of his descent from so many great and famous ancestors, if he could be brought to abandon that power which could only enable him to perform what he was sworn to, in protecting his people and the laws, and so assume others into it as to divest himself of it, although not only his present condition were more necessitous than it was, (which it could hardly be,) and he were both vanquished and a prisoner, and in a worse condition than ever the most unfortunate of his predecessors had been reduced to by the most criminal of their subjects; and though the bait laid to draw him to it, and to keep his subjects from indignation at the mention of it, the promises of a plentiful and unparalleled revenue, were reduced from generals (which signify nothing) to clear and certain particulars; since such a bargain would have but too great a resemblance of that of Esau's, if he would part with such flowers of his crown as were worth all the rest of the garland, and had been transmitted to him from so many ancestors, and had been found so useful and necessary for the welfare and security of his subjects, for[1] any present necessity, or for any low and sordid considerations of wealth and gain. And therefore, all men knowing that those accommodations are most easily made and most exactly observed that are grounded upon reasonable and equal conditions, his majesty had great cause to believe that the contrivers of those Propositions had no intention of settling any firm accommodation, but to increase those jealousies, and widen that division, which, not by his majesty's fault, was now [un]happily[2] fallen between him and both Houses.

328. 'It was asked, that all lords and others of his Privy Council, and such great officers and ministers of State either at home or beyond the seas, (for,' he said, 'care was taken to leave out no person or place, that his dishonour might be sure not to be bounded within this kingdom,) should be put from his Privy Council, and from those offices and employments, unless they should be approved by both Houses of Parliament, how faithful soever his majesty had found them to him and to the public, and how far soever they had been from offending against any law, the only rule they had, or any others ought to have, to walk by. His majesty therefore to that part of that demand returned this answer; That he was willing to grant that they should take a larger oath than they themselves desired in their

[1] ['or for,' MS.] [2] ['happily,' MS.]

1642 eleventh demand, for maintaining, not of any part but, of the whole law. And,' he said, 'he had and did assure them, that he would be careful to make election of such persons in those places of trust as had given good testimonies of their abilities and integrities, and against whom there could be no just cause of exception whereon reasonably to ground a diffidence: that if he had or should be mistaken in his election, he had and did assure them, that there was no man so near to him in place or affection whom he would not leave to the justice of the law if they should bring a particular charge and sufficient proof against him: that he had given them a triennial Parliament, (the best pledge of the effects of such a promise on his part, and the best security for the performance of their duty on theirs,) the apprehension of whose justice would in all probability make them wary how they provoked it, and his majesty wary how he chose such as by the discovery of their faults might in any degree seem to discredit his election; but that without any shadow of a fault objected, only perhaps because they follow their consciences, and preserve the established laws, and agree not in such votes, or assent not to such bills, as some persons who had then too great an influence even upon both Houses judged, or seemed to judge, to be for the public good, and as were agreeable to that new Utopia of religion and government into which they endeavoured to transform this kingdom, (for,' he said, 'he remembered what names, and for what reasons, they left out in the bill offered him concerning the militia, which they had themselves recommended in the ordinance,) he would never consent to the displacing of any whom, for their former merits from, and affection to, his majesty and the public, he had intrusted; since he conceived that to do so would take away both from the affection of his servants, the care of his service, and the honour of his justice: and,' he said, 'he the more wondered that it should be asked by them, since it appears by the 12th demand that themselves counted it reasonable, after the present turn was served, that the judges and officers who were then placed might hold their places *quamdiu se bene gesserint*: and he was resolved to be as careful of those whom he had chosen as they were of those they would choose, and to remove none till they appeared to him to have otherwise behaved themselves, or should be evicted by legal proceedings to have done so.

329. 'But,' his majesty said, 'that demand, as unreasonable as it was, was but one link of a great chain, and but the first round of that ladder by which his majesty's just, ancient, regal, power was endeavoured to be fetched down to the ground; for it appeared plainly that it was not with the persons now chosen, but with his majesty's choosing, that they were displeased: for they demanded that the persons put into the places and employments of those who should be removed might be approved by both Houses; which was so far from being less than the power of nomination, that of two things, (of which he would never grant either,) he would sooner be content that they should nominate and he approve, than they approve and his majesty nominate; the mere nomination being so far from being any thing, that if he could do no more, he would never take the pains to do that, when he should only hazard those whom he esteemed to the scorn of a refusal, if they happened not to be agreeable, not only to the judgment, but to the passion, interest, or humour of the present major part

of either House: not to speak of the great factions, animosities, and 1642
divisions, which that power would introduce in both Houses, between both Houses, and in the several counties for the choice of persons to be sent to that place where that power was, and between the persons that were so chosen. Neither was that strange potion prescribed to him only for once, for the cure of a present, pressing, desperate disease, but for a diet to him and his posterity. It was demanded, that his councillors, all chief officers both of law and state, commanders of forts and castles, and all peers hereafter made, be approved of, (that is, chosen,) by them from time to time: and rather than it should ever be left to the Crown, (to whom it only did and should belong,) if any place fall void in the intermission of Parliament, the major part of the approved Council was to approve them. Neither was it only demanded that his majesty should quit the power and right his predecessors had had of appointing persons in those places, but, for councillors, he was to be restrained as well in the number as in the persons; and a power must be annexed to those places which their predecessors had not. And indeed, if that power were passed to them,' he said, 'it would not be fit he should be trusted to choose those who were to be trusted as much as himself.'

330. He told them, to grant their demands in the manner they proposed them, 'that all matters that concerned the public, &c. should be resolved and transacted only in Parliament, and such other matters of state, &c. by the Privy Council so chosen, was in effect at once to depose himself and his posterity.' He said, many expressions in their demands had a greater latitude of signification than they seemed to have, and 'that it concerned his majesty therefore the more that they should speak out, that both he and his people might either know the bottom of their demands or know them to be bottomless. Nothing more concerned the public, and was more indeed proper for the high court of Parliament, than the making of laws; which not only ought there to be transacted, but could be transacted nowhere else. But then they must admit his majesty to be a part of the Parliament; they must not (as the sense was of that part of that demand, if it had any) deny the freedom of his answer, when he had as much right to reject what he thought unreasonable as they had to propose what they thought convenient or necessary. Nor was it possible his answers, either to bills or any other propositions, should be wholly free, if he might not use the liberty that every one of them and every subject took, to receive advice (without their danger who should give it) from any person known or unknown, sworn or unsworn, in those matters in which the manage of his vote was trusted, by the law, to his own judgment and conscience; which how best to inform was, and ever should be, left likewise to him.' He said, 'he would always, with due consideration, weigh the advices both of his Great and Privy Council: yet he should likewise look on the advices as advices, not as commands or impositions; upon them, as his councillors, not as his tutors or guardians; and upon himself, as their King, not as their pupil or ward: for,' he said, 'whatsoever of regality was by the modesty of interpretation left in his majesty in the first part of the second demand, as to the Parliament, was taken from him in the second part of the same, and placed in that newfangled kind of councillors, whose power

1642 was such, and so expressed by it, that in all public acts concerning the affairs of the kingdom which are proper for the Privy Council, (for whose advice all public acts are sometimes proper, though never necessary,) they were desired to be admitted joint patentees with his majesty in the regality. And it was not plainly expressed whether they meant his majesty so much as a single vote in those affairs; but it was plain they meant him no more at most than a single vote in them, and no more power than every one of the rest of his fellow-councillors.'

331. And so after a sharp discourse, and explanation of the unreasonableness of the several demands, or the greatest part of them, and the confusion that by consenting thereunto would redound to the subject in general, as well as the dishonour to his majesty, (which may be read at large by itself,) he told them,

332. To all those unreasonable demands, 'his answer was, *Nolumus leges Angliæ mutari*': but renewed his promise to them for a very punctual and strict observation of the known laws established; to which purpose he was willing an oath should be framed by them, and taken by all his Privy Councillors; and for any alteration in the government of the Church, that a national synod should be called, to propose what should be found necessary or convenient: and that for the advancement of the Protestant religion against the Papists, they had not proposed so much to his majesty as he was willing to grant, or as he had himself offered before. He concluded with conjuring 'them and all men to rest satisfied with the truth of his majesty's professions, and the reality of his intentions, and not to ask such things as denied themselves: that they would declare against tumults, and punish the authors: that they would allow his majesty his property in his towns, arms, and goods, and his share in the legislative power, which would be counted in him not only breach of privilege, but tyranny and subversion of parliaments, to deny to them: and when they should have given him satisfaction upon those persons who had taken away the one, and recalled those Declarations (particularly that of the 26th of May, and those in the point of the militia, his just rights wherein he would no more part with than with his crown, lest he enabled others by them to take that from him) which would take away the other; and declined the beginnings of a war against his majesty, under pretence of his intention of making one against them; as he had never opposed the first part of the thirteenth demand, so he would be ready to concur with them in the latter. And being then confident that the credit of those men who desire a general combustion would be so weakened with them that they would not be able to do this kingdom any more hurt, he would be willing to grant his general pardon, with such exceptions as should be thought fit; and should receive much more joy in the hope of a full and constant happiness of his people in the true religion, and under the protection of the law, by a blessed union between his majesty and his Parliament, than in any such increase of his own revenue, how much soever beyond former grants, as (when his subjects were wealthiest) his Parliament should have settled upon his majesty.'

333. Though the King now lived at York in a much more princely condition than he could have hoped to have done near London, and had so great a train and resort of the nobility and gentry that there were not left a fifth part of the House of Peers at Westminster, and truly I do not believe that there was near a moiety of the House of Commons who continued there, yet he made no other use for the present of their presence with him, and of their absence from the two Houses, than to have so many the more, and the more credible, witnesses of his majesty's counsels and carriage; and to undeceive the people by his clear answers to all the scandals and reproaches which were laid on him, and by his ample professions and protestations of his sincere zeal to religion and justice; and to make it appear to them how far the quality and the number of those who thought, or seemed to think, otherwise, was from what they might imagine it to be. And it cannot be denied but the people were every day visibly reformed in their understandings from the superstitious reverence they had paid the two Houses, and grew sensible of their duty to the King, and of those invasions which were offered to his regal dignity. 1642

334. On the other side, the two Houses slackened not their pace a jot, proceeded with great and unusual sharpness against those members who were gone to the King, proclaiming some of them by name to be 'enemies to the kingdom,' and, by a formal judgment, sentencing nine peers together to be incapable of sitting again in Parliament whilst this should continue: the House of Commons having carried up an impeachment of misdemeanour against them, (which was as illegal in point of justice, and as extravagant in point of privilege, as any thing they could do,) for being absent, and refusing to attend, upon a summons from the House of Peers: and upon their own members they imposed a fine of £100 apiece, on every one who was gone to the King, and upon those who, being in other places, they thought well affected to his service: yet, lest they should upon this proceeding return again to disturb and cross their counsels, they provided that no man upon whom that sentence fell should sit again in the House July 20. June 15. June 1. June 16.

1642 (though he paid his fine) till he had been examined by a committee, and so given the House satisfaction in the cause of his absence. And by those means they thought both to remove the scandal that so many members were absent, and to prevent any inconvenience too that might befall them by their return. For they well knew if the members of both Houses were obliged to a constant and strict attendance, it would not be possible that they could compass their mischievous designs.

335. Then they prosecuted their great business of the militia, not only near London, where they were in no danger of opposition, but in those northern counties nearest his majesty, as Leicestershire, Cheshire, Lincolnshire, where whosoever refused to give obedience to them, or published the King's proclamation against their proceedings, (for the King had yet practised no expedient to prevent the growth of that mischieve but the publishing his proclamation against it,) were sent for as delinquents; and, not satisfied herewith, that they might be as well able to pay an army as they found they should be to raise one, on the 10th of June (for the time will be very necessary to be remembered, that it may be the better stated who took
June 10. up the defensive arms) they published

336. 'Propositions for the bringing in of money or plate to maintain horse, horsemen, and arms, for the preservation of the public peace, and for the defence of the King and both Houses of Parliament;' the reasons and grounds whereof they declared to be the King's intention to make war against his Parliament; that, 'under pretence of a guard for his person, he had actually begun to levy forces, both of horse and foot, and sent out summons throughout the county of York for the calling together of greater numbers; and some ill affected persons in other parts had been employed to raise troops, under the colour of his majesty's service, making large offers of reward and preferment to such as would come in: that his majesty did with a high and forcible hand protect and keep away delinquents, not permitting them to make their appearance to answer such affronts and injuries as had been by them offered to the Parliament, and those messengers which had been sent from the Houses for them had been abused, beaten, and imprisoned; so as the orders of Parliament, (the highest court of justice in the realm,) were not obeyed, and the authority of it was altogether scorned and vilified, and such persons as stood well affected to it, and declared themselves sensible of those public calamities, and of the violations of the privileges of Parliament and common liberty of the subject, were baffled and injured by several sorts of malignant men, who were about the King; some whereof, under the name of *cavaliers*, without having respect to the

laws of the land, or any fear either of God or man, were ready to commit 1642
all manner of outrage and violence; which must needs tend to the dissolution of the government, the destruction of their religion, laws, liberty, [and] property; all which would be exposed to the malice and violence of such desperate persons as must be employed in so horrid and unnatural an act as the overthrowing a Parliament by force, which was the support and preservation of them. Those particulars,' they said, 'being duly considered by the Lords and Commons, and how great an obligation lay upon them, in honour, conscience, and duty, according to the high trust reposed in them, to use all possible means in such cases to prevent so great and irrecoverable evils, they had thought fit to publish their sense and apprehension of that imminent danger; thereby to excite all well affected persons to contribute their best assistance, according to their solemn vow and Protestation, to the preparations necessary for the opposing and suppressing of the traitorous attempts of those wicked and malignant counsellors, who sought to engage the King in so dangerous and destructive an enterprise, and the whole kingdom in a civil war, and destroy the privileges and being of parliaments.

337. 'This recourse to the good affections of those that tender their religion and just liberties, and the enjoyment of the blessed fruits of this present Parliament, which were almost ready to be reaped, and were now as ready to be ruined by those wicked hands, being,' they said, 'the only remedy left them under God, and without which they were no longer able to preserve themselves, or those by whom they were intrusted: therefore they declared that whosoever would bring in any proportion of ready money or plate, or would underwrite to furnish and maintain any number of horse, horsemen, and arms, for the preservation of the public peace, and for the defence of the King and both Houses of Parliament from force and violence, and to uphold the power and privileges of Parliament according to his Protestation, it should be held a good and acceptable service to the commonwealth, and a testimony of his good affection to the Protestant religion, the laws, liberties, and peace of the kingdom, and to the Parliament and privileges thereof. And they further declared that whosoever brought in money or plate, or furnished and maintained horse, horsemen, and arms, upon these propositions and to those purposes, should be repaid their money with interest of 8 *per cent.*, for which they did engage the public faith.' And they appointed the Guildhall in London for the place whither this money or plate should be brought, and four aldermen of London to be their treasurers for the receiving the same; and likewise other confiding men to receive and prize such horses and arms as should be brought in for their service. And lastly, for their better encouragement, the members of both Houses appointed a solemn day to set down their own subscriptions: which they performed liberally.

338. Most of those who abhorred their impious designs, not thinking it lawful for them to be present at such consultations, withdrew before the day came, or absented themselves then. But many had the courage to be present, and stoutly to refuse

1642 what they thought they could not honestly consent to. Sir Henry Killigrew, who was notoriously an enemy to all their devices, being called upon, told them, 'if there were occasion, he would provide a good horse and a good sword; and made no question but he should find a good cause.' But within very few days, both he and all those who were taken notice of for refusing found it safest for them to leave the town, there being very visibly great animosity against them both within and without the walls. And a gentleman of good quality assured me afterwards, that, within few days after he had refused to subscribe, he was privately advised by one of the other faction, who yet retained some kindness to him, 'to leave the town, lest his brains were beaten out by the boys in the streets.' And many of those who too impotently desired not to be looked upon as refractory persons, and had pleased themselves with subscribing more articulately for the defence of the King's person, found it afterwards necessary to supply whatsoever they had subscribed, to be employed that way as was declared to be for the defence of the King's person, whatsoever their intention was at first or their opinion after. And it is hardly credible what a vast proportion of plate was brought in to their treasurers within ten days; there being hardly men enough to receive it, or room to lay it in, and the throng being so great of the bringers that in two days' attendance many could not be discharged of their seditious
June 11. offerings. And the very next day after these propositions they further ordered, 'that there should be a strict search and examination made by the justices of peace, mayors, bailiffs, and constables, near all the northern roads, for the seizing all horses for service in the wars, or great saddles, that should be carried towards the north parts of England without the privity or direction of one or both Houses of Parliament;' which was a great improvement of their former order, which extended only to arms and ammunition, though the truth [is], the dexterity and spirit of their ministers, who knew their meaning, made the former almost as inconvenient and dangerous to passengers as the latter.

339. It was by many impatiently wondered at then, and no doubt will be more censured hereafter, that, notwithstanding all these invasions and breaches upon the legal power, and all these vast preparations to destroy him, the King hitherto put not himself into a posture of safety, or provided for the resistance of that power which threatened him, and which he could not but know intended whatsoever it hath since done: and though they had not yet formed an army and chosen a general, yet he well knew they had materials abundantly ready for the first, and particular digested resolutions in the second, which they could reduce to public acts whensoever they pleased. It is very true he did know all this, and the unspeakable hazards he ran in not preparing against it. But the hazards which presented themselves unto him on the other side were not less prodigious. He had a very great appearance of the nobility; and not only of those who had from the beginning walked and governed themselves by the rules the law prescribed, and in that respect were unblameable to King and people, but of others, who had passionately and peevishly (to say no worse) concurred in all the most violent votes and actions which had been done from the beginning. For, besides the lord Spencer, (who had been chosen their lieutenant of Northamptonshire, but was recovered to a right understanding, of which he was very capable, by his uncle [the earl] of Southampton,) the lord Paget likewise, who had contributed all his faculties to their service and to the prejudice of the King's from before the beginning of the Parliament, [had] been one of their teasers[1] to broach those bold high overtures soberer men were not willing at first to be seen in, and had been, as a man most worthy to be confided in, chosen lord lieutenant of one of their most confiding counties, the county of Buckingham, where he had with great solemnity and pomp executed their ordinance, in defiance of the King's proclamation, and had subscribed a greater number of horses for their service

1642 Feb. 11, 12. Feb. 11, 12.

[1] [This word is rather doubtful: it appears to be written 'Tiezers' in Clarendon's own MS., is copied as 'Tezers' in his secretary's transcript, and as 'Teizers' in the copy made for the first edition.]

1642 upon their propositions than any other of the same quality,
June 17. convinced in his conscience, fled from them and besought the King's pardon: and, for the better manifesting of the tenderness of his compunction, and the horror he had of his former guilt, he lustily discovered whatsoever he had known of their counsels, and aggravated all the ill they had done with declaring it to be done to worse and more horrid ends than many good men believed to be possible for them to entertain.

340. Notwithstanding, this glorious convention was rather an ornament to his court than any great advantage to his counsels, and the use of them more to discredit the small remainder at Westminster, and that the people might see the number and quality of the dissenters, than that they contributed any thing to the active improvement of his affairs; every man thinking it high merit in him that he absented himself from the company and place where all the mischieve was done, and that the keeping himself negatively innocent was as much as he owed his King and country. I am very tender of laying any imputation of want of providence or courage upon that time, and upon so great a body of the nobility, which doubtless was the rise of much reputation and advantage to the King; I am willing to impute it to the drowsy and unactive genius of the kingdom, (contracted by long ease and quiet,) which so much abhorred the thoughts of a civil war that it thought a lively and vigorous preparation against it was to invite it. And there were very few of all the great lords who did attend upon the King who did [not] declare[1] 'that the Parliament durst not in truth (whatever shows they made in hope to shake his majesty's constancy) make a war; and if they should attempt it, the people would unanimously rise for the King, who would be most safe by not intending his own safety; whereas if he raised forces, the Parliament would procure themselves to be believed that it was to overthrow religion and suppress the laws and liberties

[1] ['And—declare.' These words are substituted in the MS. for the following, which have been struck out: 'And they all (for truly there did not appear four counsellors of another opinion) declared to the King.']

of the people.' They who were of another opinion, and could 1642
have spoken more reason, held it not safe to express themselves but in the King's own ear; there being in the great council of the Peers, who for state were frequently assembled, and by whom in truth the King then desired to have transacted all things of moment, some who were not good counsel-keepers, and others who were looked upon and believed to be spies upon the rest. But that which made the thought of raising forces (whatever arguments there were for it) absolutely unreasonable, was, that the King had no possibility to procure either arms or munition but from Holland, from whence he daily expected supply: and till that arrived, let his provocations and sufferings be what they could be, he was to submit, and bear it patiently.

341. In the mean time, for a ground of further proceeding upon occasion, the King desired the Peers in Council to set down in writing the affronts and violence which had been offered to them at London, by which their presence in the Great Council of the kingdom was rendered both unsafe and dishonourable; the which they more willingly condescended to for that the London pamphlets already aspersed them as deserters of the Parliament and betrayers of the liberty of their country: an instrument being drawn up, and agreed upon between them, in which they set down the tumults, and the violence offered to particular persons in those tumults; the threats and menaces of the rabble at the doors of the House, when they had a mind any exorbitant thing should pass; the breach and violation of the old orders and rules of Parliament whilst matters were in debate, and the resuming matters again in a thin House, and reversing, waiving, or contradicting, resolutions made in a full House: and, lastly, Mr. Hollis's coming to the bar and demanding the names of those lords who refused to consent to the militia, when the multitude without menaced and threatened all those dissenters: 'after which,' they said, 'they conceived they could not be present there with honour, freedom, or safety, and therefore forebore to be any more present; and so all those votes, conclusions, and

1642 declarations, had passed which had begot those distractions throughout the kingdom.' And this they delivered to the King, signed under their hands. And yet, (which is a sufficient instance how unendued men were with that spirit and courage which was requisite,) the next day after the delivery many lords came to his majesty, and besought him that he would by no means publish that paper, but keep it in his own hands, some of them saying that if it were published they would disavow it: so that material and weighty evidence, which then might have been of sovereign use to the King, was rendered utterly ineffectual to his service; his majesty finding it necessary to engage his princely word to them, 'never to make it public without their consent;' which he performed most punctually; and so to this day it was never divulged.

342. To make some little amends for this want of mettle, (for it proceeded from nothing else, they being most shy in subscribing and most passionate against publishing who were of unquestionable affection to his majesty and integrity to his cause,) and that the world might see there was a combination among good men to assist his majesty in the defence of the law, as well as there was against both by others; upon the June 13. King's declaring himself fully in Council, where all the Peers were present, 'that he would not require or exact any obedience from them but what should be warranted by the known law of the land; so he did expect that they would not yield to any commands not legally grounded or imposed by any other: that he would defend every one of them, and all such as should refuse any such commands, whether they proceeded from votes and orders of both Houses or any other way, from all dangers and hazards whatsoever; that his majesty would defend the true Protestant religion established by the law of the land, the lawful liberties of the subject of England, and just privileges of all the three estates of Parliament, and would require no further obedience from them than as accordingly he should perform the same: and his majesty did further declare that he would not, (as was falsely pretended,) engage

them or any of them in any war against the Parliament, 1642
except it were for his necessary defence and safety against such as did insolently invade or attempt against his majesty or such as should adhere to his majesty:' all the Peers engaged themselves, 'not to obey any orders or commands whatsoever not warranted by the known laws of the land; and to defend his majesty's person, crown, and dignity, together with his just and legal prerogative, against all persons and power whatsoever: that they would defend the true Protestant religion established by the law of the land, the lawful liberties of the subject of England, and just privileges of his majesty and both his Houses of Parliament: and lastly, they engaged themselves not to obey any rule, order, or ordinance whatsoever, concerning any militia, that had not the royal assent.'

343. This, being subscribed by their lordships, was with their consent immediately printed, and carefully divulged over the kingdom, bearing date at York the thirteenth of June, 1642, with the names of the subscribers. Two days after, his majesty June 15.
in Council taking notice of the rumours spread, and informations given, which might induce many to believe that his majesty intended to make war against his Parliament, professed before God, and said,

344. 'He declared to all the world, that he always had and did abhor all such designs, and desired all his nobility and Council, who were there upon the place, to declare, whether they had not been witnesses of his frequent and earnest declarations and professions to that purpose: whether they saw any colour of preparations or counsels that might reasonably beget a belief of any such design, and whether they were not fully persuaded that his majesty had no such intention, but that all his endeavours, (according to his many professions,) tended to the firm and constant settlement of the true Protestant religion, the just privileges of Parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom.'

345. Whereupon all the lords and councillors present unanimously agreed, and did sign a paper in these words:

'We whose names are underwritten, in obedience to his majesty's desire, and out of the duty which we owe unto his majesty's honour, and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest declarations and professions of his abhorring all designs of making war upon his Parliament; and not seeing any colour of preparations or counsels that might reasonably beget the belief of any such designs;

1642 do profess before God, and testify to all the world, that we are fully persuaded that his majesty hath no such intention, but that all his endeavours tend to the firm and constant settlement of the true Protestant religion, the just privileges of Parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom.'

346. Which testimony and declaration was subscribed by the

Ld. Littleton, ld. keeper	D. of Richmond
E. of Cumberland	E. of Bath
E. of Salisbury	E. of Northampton
E. of Bristol	E. of Clare
E. of Monmouth	E. of Rivers
E. of Newport	Ld. Mowbray and Matra
Ld. Howard of Charlton	Ld. Newark
Ld. Rich	Ld. Savile
Ld. Dunsmore	Ld. Seymour
Marquis [of] Hartford	E. of Lindsey
E. of Southampton	E. of Dorset
E. of Devonshire	E. of Cambridge
E. of Westmoreland	E. of Berkshire
E. of Dover	E. of Carnarvon
Ld. Willoughby of Eresby	Ld. Grey of Ruthen
Ld. Pawlett	Ld. Lovelace
Ld. Mohun	Ld. Coventry
Ld. Capell	
Lord Falkland.	Sir P. Wich, Controller
	Sir Joh. Culpeper, C. Exch.
	Secretary Nicholas
	Lord Chief Justice Bankes.

347. This testimony of the lords and councillors was imme-
June 16. diately printed and published, together with a Declaration of his majesty's; in which he said that,

348. 'Though he had, in the last seven months, met with so many several encounters of strange and unusual Declarations under the name of both his Houses of Parliament that he should not be amazed at any new prodigy of that kind; and though their last of the 26th of May gave him a fair warning that, the contrivers of it having spent all their stock of bitter and reproachful language upon him, he was now to expect they should break out into some bold and disloyal actions against him, and, having by that Declaration, (as far as in them lay,) divested his majesty of that pre-eminence and authority which God, the law, the custom and consent of that nation, had placed in him, and assumed it to themselves, that they should likewise with expedition put forth the fruits of that supreme power, for the violating and suppressing the other which they despised, an effect of which resolution,' he said, 'their wild Declaration against his proclamation concerning the pretended ordinance for the militia, and the punishing

of the proclaimers, appeared to be,) yet, he must confess, in their last attempt' (he said, 'he spake of the last he knew; they might probably since, or at that present, have outdone that too) they had outdone what his majesty had conceived was their present intention. And whosoever heard of propositions and orders, for the bringing in of money or plate to maintain horse, horsemen, and arms, for the preservation of the public peace, or for the defence of the King and both Houses of Parliament, (such was their Declaration, or what they please to call it, of the 10th of June,) would surely believe the peace of the kingdom to be extremely shaken, and at least the King himself to be consulted with, and privy to those propositions. But,' he said, 'he hoped, that when his good subjects should find that that goodly pretence of defending the King was but a specious bait to seduce weak and inconsiderate men into the highest acts of disobedience and disloyalty against his majesty, and of violence and destruction upon the laws and constitutions of the kingdom, they would no longer be captivated by an implicit reverence to the name of both Houses of Parliament, but would carefully examine and consider what number of persons were present, and what persons were prevalent, in those consultations, and how the debates were probably managed, from whence such horrid and monstrous conclusions did result; and would at least weigh the reputation, wisdom, and affection of those who were notoriously known, out of the very horror of their proceedings, to have withdrawn themselves, or, by their skill and violence, to be driven from them and their councils.' 1642

349. His majesty [said], 'whilst their fears and jealousies did arise, or were infused into the people, from discourses of the rebels in Ireland, of skippers at Rotterdam, of forces from Denmark, France, or Spain, (how improbable and ridiculous soever that bundle of information appeared to all wise and knowing men,) it was no wonder if the easiness to deceive, and the willingness to be deceived, did prevail over many of his weak subjects, to believe that the dangers which they did not see might proceed from causes which they did not understand: but for them to declare to all the world that his majesty intended to make war against his Parliament, (whilst he sat still, complaining to God Almighty of the injury offered to him and to the very being of parliaments,) and that he had already began actually to levy forces both of horse and foot, (whilst he had only in a legal way provided a smaller guard for the security of his own person, so near a rebellion at Hull, than they had, without lawful authority, above eight months, upon imaginary and impossible dangers,) to impose upon his people's sense, as well as their understanding, by telling them his majesty was doing that which they saw he was not doing, and intending that they all knew (as much as intentions could be known) he was not intending, was a boldness agreeable to no power but the omnipotency of those votes whose absolute supremacy had almost brought confusion upon King and people, and against which no knowledge in matter of fact, or consent and authority in matter of law, they would endure should be opposed.'

350. His majesty said, 'he had, upon all occasions, with all possible expressions, professed his fast and unshaken resolutions for peace. And,' he said, 'he did again, in the presence of Almighty God, his Maker and

1642 Redeemer, assure the world that he had no more thought of making a war against his Parliament than against his own children: that he would observe and maintain the Acts assented to by him this Parliament without violation, of which that for the frequent assembling of parliaments was one: and that he had not, nor would have, any thought of using any force, unless he should be driven to it for the security of his person, and for the defence of the religion, laws, and liberty of the kingdom and the just rights and privileges of Parliament: and therefore he hoped the malignant party, who had so much despised his person and usurped his office, should not, by their specious fraudulent insinuations, prevail with his good subjects to give credit to their wicked assertions, and so to contribute their power and assistance for the ruin and destruction of themselves and his majesty.

351. 'For the guard about his person, (which,' he said, 'not so much their example as their provocation had enforced him to take,) it was known it consisted of the prime gentry (in fortune and reputation) of that county, and of one regiment of trained bands; who had been so far from offering any affronts, injuries, or disturbance to any of his good subjects, that their principal end was to prevent such, and so might be security, could be no grievance, to his people. That some ill affected persons, or any persons, had been employed in other parts to raise troops, under colour of his majesty's service, or that such had made large, or any, offers of reward and preferment to such as would come in, (which had been alleged by them,) was,' he said, 'for aught he knew or believed, an untruth, devised by the contrivers of that false rumour.' His majesty disavowed it, and said, 'he was confident there would be no need of such art or industry to induce his loving subjects, when they should see his majesty oppressed and their liberties and laws confounded, (and till then he would not call on them,) to come in to him and to assist him.

352. 'For the delinquents, (whom his majesty was said with a high and forcible hand to protect,) he wished they might be named, and their delinquency: and if his majesty gave not satisfaction to justice, when he should have received satisfaction concerning sir John Hotham by his legal trial, then let him be blamed. But if the design were, as it was well known to be, after his majesty had been driven by force from his city of London, and kept by force from his town of Hull, to protect all those who were delinquents against him, and to make all those delinquents who attended on him or executed his lawful commands,' he said, 'he had great reason to be satisfied in the truth and justice of such accusation, lest to be his majesty's servant and to be a delinquent grew to be terms so convertible that, in a short time, he were left as naked in attendance as they would have him in power, and so compel him to be waited on only by such whom they should appoint and allow, and in whose presence he should be more miserably alone than in desolation itself. And if the seditious contrivers and fomenters of that scandal upon his majesty should have (as they had had) the power to mislead the major part present of either or both Houses, to make such orders, and send such messages and messengers, as they had lately done, for the apprehension of the great earls and barons of England, as if they were rogues or felons, and whereby persons of honour and quality were made delinquents merely for attending upon his majesty

and upon his summons, whilst other men were forbid to come near him (though obliged by the duty of their places and oaths) upon his lawful commands: it was no wonder if such messengers were not very well intreated, and such orders not well obeyed; neither could there be a surer or a cunninger way found out to render the authority of both Houses scorned and vilified, than to assume to themselves (merely upon the authority of the name of Parliament) a power monstrous to all understandings, and to do actions, and to make orders, evidently and demonstrably contrary to all known law and reason, (as, to take up arms against his majesty, under colour of defending him; to cause money to be brought in to them, and to forbid his own money to be paid to his majesty, or to his use, under colour that he would employ it ill: to beat him and starve him, for his own good, and by his power and authority,) which would in short time make the greatest court and greatest person cheap and of no estimation. 1642

353. 'Who those men were, sensible of the public calamities, of the violations of the privileges of Parliament and the common liberty of the subject, who had been baffled and injured by malignant men and cavaliers about his majesty,' his majesty said, 'he could not imagine. And if those cavaliers were so much without the fear of God and man, and so ready to commit all manner of outrage and violence, as was pretended, his majesty's government ought to be the more esteemed, which had kept them from doing so: insomuch as he believed no person had cause to complain of any injury or of any damage, in the least degree, by any man about his majesty or who had offered his service to him. All which being,' he said, 'duly considered, if the contrivers of those propositions and orders had been truly sensible of the obligations which lay upon them in honour, conscience, and duty, according to the high trust reposed in them by his majesty and his people, they would not have published such a sense and apprehension of imminent danger, when themselves in their consciences knew that the greatest, and indeed only, danger which threatened the Church and State, the blessed religion and liberty of his people, was in their own desperate and seditious designs, and would not have endeavoured upon such weak and groundless reasons to seduce his good subjects from their affection and loyalty to him, to run themselves into actions unwarrantable, and destructive to the peace and foundation of the commonwealth.

354. 'And that all his loving subjects might see how causeless and groundless that scandalous rumour and imputation of his majesty's raising war upon his Parliament was, he had, with that his Declaration, caused to be printed the testimony of those lords, and other persons of his Council, who were there with him; who, being upon the place, could not but discover such his intentions and preparations, and could not be suspected for their honours and interests to combine in such mischievous and horrid resolutions.

355. 'And therefore,' his majesty said, 'he straitly charged and commanded all his loving subjects, upon their allegiance, and as they would answer the contrary at their perils, that they should yield no obedience or consent to the said propositions and orders; and they presume not, (under any such pretences, or by colour of any such orders,) to raise or levy any

1642 horse or men, or to bring in any money or plate to such purpose. But,' he said, 'if, notwithstanding that clear declaration and evidence of his intentions, those men (whose design it was to compel his majesty to raise war upon his Parliament; which all their skill and malice should never be able to effect) should think fit by those alarms to awaken him to a more necessary care of the defence of himself and his people, and should themselves, (under colour of defence,) in so unheard of a manner provide (and seduce others to do so too) to offend his majesty, having given him so lively a testimony of their affections what they were willing to do, when they should once have made themselves able; all his good subjects would think it necessary for his majesty to look to himself. And he did therefore excite all his well affected people, according to their oaths of allegiance and supremacy, and according to their solemn vow and Protestation, (whereby they were obliged to defend his person, honour, and estate,) to contribute their best assistance to the preparations necessary for the opposing and suppressing of the traitorous attempts of such wicked and malignant persons, who would destroy his person, honour, and estate, and engage the whole kingdom in a civil war, to satisfy their own lawless fury and ambition, and so rob his good subjects of the blessed fruit of this present Parliament, which they already in some degree had, and might still reap, to the abundant satisfaction and joy of the whole kingdom, if such wicked hands were not ready to ruin all their possessions and frustrate all their hopes. And, in that case,' his majesty declared that, 'whosoever, of what degree or quality soever, should then, upon so urgent and visible necessity of his, and such apparent distraction of the kingdom, (caused and begotten by the malice and contrivance of that malignant party,) bring in to his majesty and to his use ready money or plate, or should underwrite to furnish any number of horse, horsemen, and arms, for the preservation of the public peace, and defence of his person, and the vindication of the privilege and freedom of Parliament, he would receive it as a most acceptable service, and as a testimony of his singular affection to the Protestant religion, the laws, liberties, and peace of the kingdom; and would no longer desire the continuance of that affection than he would be ready to justify and maintain the other with the hazard of his life.'

356. And so concluded with the same overtures they had done in their propositions for the loan of money at interest: offering for security thereof an

'assurance of such his lands, forests, parks, and houses, as should be sufficient for the same; a more real security,' he said, 'than the name of public faith, given without him and against him, as if his majesty were no part of the public: and besides, he would always look upon it as a service most affectionately and seasonably performed for the preservation of his majesty and the kingdom. But,' he said, 'he should be much gladder that their submission to those his commands, and their desisting from any such attempt of raising horse or men, might ease all his good subjects of that charge, trouble, and vexation.'

357. It will be wondered at hereafter, when, by what hath

been said, the number and quality of the Peers is considered 1642
who, by absenting themselves from the House and their resort to his majesty, sufficiently declared that they liked not those conclusions which begat those distractions, why both those Peers, and likewise such members of the Commons who then and afterwards appeared in the King's service, and were indeed full, or very near, one moiety of that House, did not rather by their diligent and faithful attendance in the Houses, according to the several trusts reposed in them, discountenance and resist those pernicious and fatal transactions, than by withdrawing themselves from their proper stations leave the other (whose ruinous intentions were sufficiently discovered) possessed of the reputation, authority, and power of a Parliament; by which it was evident the people would be easily, to a great degree, seduced. And, though the observing reader may, upon the collection of the several passages here set down, be able to answer those objections to himself, I am the rather induced in this place to apply myself to the clearing that point, because not only many honest men who at a distance have considered it, without being privy to the passages within the walls and those breaches which totally destroyed and took away the liberty and freedom of those councils, have been really troubled or unsatisfied with that desertion, (as they call it,) of the service to which they were incumbent and chosen, but that I have heard some who were the chief, if not the sole, promoters of those violations, and the most violent pursuers of the most violent designs, and have since (out of the ruptures which have proceeded from their own animosities) either been or been thought to be more moderately inclined, complain, that the withdrawing of so many members from the two Houses was the principal cause of all our calamities. And they who have been the true authors of them, and still continue the same, have taken pains to make and declare the others, 'deserters of their country and betrayers of their trusts,' by their voluntary withdrawing themselves from that council.

358. In the doing whereof, I shall not, I cannot, make any excuse for those, (of whom somewhat is before spoken,) who,

1642 from the beginning of this Parliament, and in the whole progress of it, either out of laziness, or negligence, or incogitancy, or weariness, forbore to give their attendance there when the number of those who really intended these prodigious alterations was very inconsiderable, and daily drew many to their opinions upon no other ground than that the number of the dissenters appeared not equally diligent and intent upon their assertions. Neither can I excuse the Peers, the moderate part whereof, being four for one, suffered themselves to be cozened, and persuaded, and threatened, out of their rights, by a handful of men, whom they might in the beginning easily have crushed; whereas in the House of Commons the great managers were men of notable parts, much reputation, admirable dexterity, pretenders to severe justice and regularity, and then the number of the weak and wilful, who naturally were to be guided by them, always made up a major part; so that from the beginning they were always able to carry whatsoever they set their hearts visibly upon, at least to discredit or disgrace any particular man against whom they thought necessary to proceed, albeit of the most unblemished reputation and upon the most frivolous suggestions; so that they could not [but] be very formidable in that House to all but the most abstracted men from all vulgar considerations.

359. But I am confident whoever diligently revolves the several passages in both Houses from the time of the publishing the first Remonstrance, upon his majesty's return from Scotland, to the time of which we last spake, must be of opinion that the resorting of so many members then to his majesty, (from whom all the Lords, and some of the Commons, received commands to that purpose,) or to such places where they thought they might be of greatest use to his majesty in preservation of the peace of the kingdom, was not only an act of duty, but of such prudence and discretion as sober and honest men were to be guided by. In the House of Peers, the bishops, 24 in number, who had as much right to sit there, and were as much members of Parliament, as any lord there, were first by direct violence and force driven and kept from thence, till

the bill for the total expulsion of them and their function from 1642
those seats was passed; such of the peers who were most notorious for adhering to the government of the Church being, in the mean time, threatened publicly by the rabble, and some of their persons assaulted. The business of the militia had been twice, upon solemn debate in a full House, rejected there, till such force and violence was brought to the very doors, such expostulations and threats delivered within the doors, against those who refused to concur with them in that business, that no man had reason to believe his life out of danger from those rude hands who was taken notice of for an opposer of their unreasonable desires; some of them having been declared enemies to their country for having refused what was in their power lawfully to refuse, and others having been criminally accused by the Commons for words spoken by them in debate in the House of Peers; after which many of them were sent for by special letters to attend his majesty, (which letters were always thought to be so good and warrantable a ground to be absent that no other was sufficient, nor had such summons, from the beginning of parliaments to this present, ever been neglected,) with whom they had not been many weeks but two of them, (as hath been mentioned before[1],) upon an untrue and extravagant information, without further examination, were declared June 6.
enemies to the kingdom, and nine others by solemn judgment, July 20.
upon an impeachment brought up by the Commons against them, only for being absent and for what only concerned the privilege and jurisdiction of the Peers, were disabled to sit in the House again during the session; so that, if they would have returned, they were actually excluded that council.

360. In the House of Commons the case was worse. First, they who had, with that liberty which is essential to parliaments, and according to their understandings, dissented, or declared a dislike of what the violent party so vehemently pursued, were, (as hath been said before,) declared *enemies to their country*, and their names posted up in paper or parchment at most eminent places under some opprobrious character;

[1] [The Earl of Lindsey and Lord Savile. See § 334.]

1642 which, though it was not avowed, and had no authority from the House by any public act, yet, being complained of, found neither redress, or such countenance that it could be concluded the violation was unacceptable: so, though the tumults were not directly summoned or assembled, it is evident, by what hath been before set forth truly and at large, that they found there visible countenance and encouragement.

361. Then, what had been, upon full and solemn debates in a full House, rejected, was many times in a thin House, and at unusual and unparliamentary hours, resumed, and determined contrary to the former conclusions: yet men satisfied themselves with doing what they thought their duty, and reasonably opposing what the major part ordered to be done, hoping that men's understandings would be shortly better informed, and that, though high and irreverent expressions and words were sometimes used against the King, there would be abstaining from unlawful and dangerous actions; and that the House of Peers, at least, would never be brought to join or concur in any act prejudicial to the sovereign power. But when they saw a new way found out, by the dexterity of the major part in the House of Commons, to make the minor part of the Lords too hard for the major, and so, whilst all men were transported with jealousy of the breach of privilege of Parliament by the King, that there was by the Houses themselves an absolute rooting up of all privileges: that, from metaphysical considerations what might be done in case of necessity, the militia of the kingdom was actually seized on, and put under a command contrary to and against the King's command: that there was then a resolution taken, by those who could act their resolutions when they pleased, to make a general, and to oblige all the members to live and die with
§ 388. that general, which will be anon more particularly mentioned; (for that resolution was well known before the time that those many members removed to York, and withdrew to other places, and was executed within three or four days after;) men thought it high time to look to their innocence, and, (since by the course and order of that House they could leave no

monument or evidence of their dissenting, as the Lords might leave by their protestations upon any unlawful act or resolution) to declare their dislike of what was done by not being present at the doing. And it was reasonably thought, (there being no other way peaceably and securely to do it,) that the kingdom, understanding the number of those that were present at such new transactions, and weighing the quality, number, and reputation of those who were absent, would be best induced to prefer the old laws of the kingdom, before the new votes, destructive to those laws, of those few men who called themselves the two Houses of Parliament; and that it would prove a good expedient to work upon the consciences and modesty of those who stayed behind to conclude it necessary, by some fair address to his majesty, to endeavour such a general good understanding, that a perfect union might be made, and the privilege, dignity, and security of Parliament be established according to the true and just constitution of it. 1642

362. It is true, how reasonably soever it might be expected, it produced not that ingenuity: but they who had been troubled with their company, and, by the opposition they made, could not make that expedition in the mischieve they intended, were glad they were rid of them; yet shortly, consider[ing[1]] what influence indeed it might have upon understanding men, they found a way to cast a reproach upon them who were absent, and yet to prevent any inconvenience to themselves by their return; publishing an order, 'that all the members absent should appear at such a day, under the penalty of paying £100 fine for his absence; and whosoever did not appear at that day' (which gave not time enough to any who were at a distance) 'should not presume to sit in the House before he had paid his fine, or satisfied the House with the cause of his absence;' so that all those who were with the King, and very many more, who had really withdrawn themselves to refresh their minds, or upon necessary affairs of their own, with a purpose to return, clearly discerned themselves excluded from sitting any more there, it being sufficiently June 2.

[1] ['considered,' MS.]

1642 manifest that the cause of their absence would never be approved if their persons were disliked and their opinions disapproved; which appeared quickly; for the day was no sooner past but they, without the least warrant of precedent or colour of right, expelled very many, sometimes twenty in a day, not only of those who were with the King but of others who had given them equal distaste, and ordered new writs to issue out to choose other members in their rooms.

363. It cannot be denied but some very honest and entire men stayed still there, and opposed all their unjustifiable proceedings with great courage and much liberty of speech, which was more frankly permitted to them than had been before when the number of the dissenters was greater; and it may be there are still some who satisfy themselves that they have performed their duty by always having denied to give their consent to whatsoever hath been seditiously or illegally concluded. But I must appeal to the consciences of those very men, whether they have not been many times, by staying there, compelled or terrified to do, and submit to, many acts contrary to their conscience in cases of conscience, and contrary to their judgment and knowledge in matters of law and right, and contrary to their oaths and duties in matters of allegiance; and whether, if they had refused so to do, they should not have been plundered, expelled, and committed to prison? And then, they cannot be thought to have proceeded unreasonably who, to preserve their innocence and their liberty, chose to undergo all the other censures and difficulties which could befall them, and which have been since plentifully poured upon them. But to return.

364[1]. The King had at this time called to him some judges,

[1] [§§ 364–365 from the *Life*, pp. 170–1. The following long passage is here struck out in the *History*, where it extends from p. 227 to p. 232:—

1. The King finding that they proceeded with their usual vigour to increase their power, and that, notwithstanding his proclamation against the execution of the ordinance for the militia, and his declaration against their propositions for plate, money, and horses, they made a wonderful progress in both, declaring his proclamations to be illegal, and confidently promising to save all men harmless who should join or concur with them, and that whilst he relied upon the laws to defend his right and prerogative,

and lawyers of eminency, by whose advice he published[1] a 1642
Declaration concerning the militia, and asserted the right of

the laws themselves stood equally in want of defence, his majesty resolved, without raising any other force, to exercise his own lawful power over the settled militia of the kingdom; and because the usual commissions to lord lieutenants of counties had been blasted by the votes of the two Houses as illegal, by the advice of his counsel learned at law he resolved to issue out commissions of array, grounded upon a statute made in the fifth year of king Henry the Fourth, and in the very words in Latin prescribed by that statute, whereby the persons named and authorized in that commission had power to arm and marshal and conduct all such within that county who were able to bear arms and fit for the service of the war; but by special instructions under his majesty's hand, annexed to each commissioner, only the train-bands were appointed to be trained and in readiness, with such volunteers who were willing to be listed under gentlemen of quality and integrity, whom the commissioners had power to make colonels or captains over them. And thus commissions of array were issued into the next adjacent counties, where they were most busy in the execution of the ordinance, and others prepared for the more remote parts; that for the county of Leicester being the first, bearing date the 11th day of June. June 11.
This was no sooner known, and known it was, and was to be, very quickly, but the Lords and Commons published their votes of the 18th and 20th of the same month, (so little time they took to inquire into the law,) 'That June 18.
that commission of array for Leicester was against law, and against the liberty and property of the subject;' to which, two days after, according June 20.
to their method of improving the sense of the House, they added, 'That all those that were actors in the putting of the commission of array in execution should be esteemed as disturbers of the peace of the kingdom, and betrayers of the liberty of the subject;' which votes, together with the commission of array, (that so all other commissions might be examined by it in the counties to which they were sent,) they caused to be forthwith printed and published throughout the kingdom. That vote of the illegality had the greater authority amongst the people, because it passed with the consent and by the industry of some of whose learning and integrity they had a good assurance, and who at the same time, with more confidence and passion, opposed the execution of the ordinance of the militia as at least equally unlawful: and the truth is, I have reason to believe, (though I presume they were likewise persuaded in their conscience that the commission of array was not according to the intention of the law,) that their confidence that by arguing against that commission they should clearly evince the exorbitancy and extravagancy of the ordinance, (as indeed every argument against the one was a demonstration against the other,) and it may be some assurance from some leaders, who served their turns always by making private promises and undertakings, that the one being suppressed the other should be declined, engaged them to a greater activity in it than otherwise they were inclined to; for they were punctual observers of the laws and customs of the kingdom, and heartily abhorred the violent and

[1] [Reply to the Decl. of Parl. of July 1, and Procl. dated June 20.]

1642 the Crown in granting commissions of array for the better
June 11, 12. ordering and governing thereof; and at the same time issued

seditious humours which then governed, and therefore never concurred to the second vote, of declaring the commissioners disturbers of the peace and betrayers of the liberty of the subject.

2. What was said by the lawyers of either side against the one and the other, and in maintenance of what themselves advised, and how the law was understood to be in that point of the militia by those who sadly and dispassionately weighed it with the constitution of the kingdom, shall be in another place at large set down, with the discussion of other things of the same nature, for the better manifesting the matters of right, throughout these fatal contentions[1]. It will be here only necessary to add, that neither party thought fit to rest satisfied with the arguments which were applied against it.

3. But the King resolved, if they proceeded in their ordinance, to execute his commission of array, which he hoped would at least produce that doubt and suspension in the people's minds, that they would not cheerfully submit to either, but keep themselves in the quiet posture they were in, without interrupting the public peace; and that was the wished fruit he expected. The Houses, on the other side, were confident of their own power, (at least they thought it necessary to put it to the utmost test,) and that their votes were sufficient to cancel the commission of array, and the execution of their ordinance was the only way to invest them in the possession of the militia, without which they entertained no hope of compassing their designs; and so made all possible haste to advance that great work.

4. They had from the King's first coming to York used all possible endeavour by their underhand agents, and afterwards by their committee resident there, to corrupt and infect the people of that county with the same apprehensions and jealousies by which they were governed, that his majesty might receive some discouragement in his confidence of the affection of that people; and to that purpose some obscure but active people had at all meetings discovered some averseness from that alacrity generally shewed by the gentry and men of quality to the King's service and dislike of the proceedings of the Parliament; and at the great and general convention of
June 3. the whole county near York about the beginning of June, where they shewed all imaginable affection, and sense of the ill usage his majesty underwent, sir Thomas Fairfax, (better known since than he was then,) attended with very few, and those of very mean quality, offered in the public place of meeting to present a petition to the King, which his majesty (being informed that the same was not prepared by any consent of the county, but in a clandestine way by a few factious persons) received not; of which immediately the Houses taking notice, and for the support and
June 15. encouragement of their party there, sent a petition solemnly presented by their committee to the King, in these words:

5. 'Your majesty's most humble and faithful subjects, the Lords and Commons assembled in Parliament, have lately received a petition from a great number of the gentry, freeholders, and other inhabitants of the county of York, assembled there by your majesty's command the 3rd

[1] [See note at the beginning of book VI.]

out those commissions to all counties, expressly forbidding any obedience to be given to the *Ordinance for the militia by both* of June; wherein they declare unto us, that, having taken a resolution to address themselves unto your majesty in the humble way of a petition, for the redress of those grievances which they now lie under, they were violently interrupted and affronted therein by the earl of Lindsey, the lord Savil, and others; and notwithstanding all the means they could use to present their just desires to your majesty, yet they could not prevail with your majesty to accept of their petition; the copy whereof they have sent to us, with an humble desire that we would take such course therein as may tend to the preservation of their liberties and the peace of the kingdom; and that we would address ourselves to your majesty in their behalf, that by our means their desires may find better acceptation with your majesty. 1642 May 27, June 18.

6. 'Whereupon having seriously weighed and considered the particulars of those their complaints and desires, as they are laid down in their petition, and finding that their grievances they complain of are the increase of the miseries formerly sustained by that county, (which hath well-nigh for three years last past been the tragical stage of armies and war,) by reason of your majesty's distance in residence and difference in counsels from your Great Council the Parliament, begetting great distempers and distractions throughout the kingdom, and especially in that county; the drawing to those parts great numbers of discontented persons, that may too justly be feared do affect the public ruin for their private advantage; the drawing together of many companies of the trained bands, and others, both horse and foot, of that county, and retaining multitudes of commanders and cavaliers from other parts; the daily resort of recusants to your majesty's court at York; the great preparation of arms and other warlike provisions, to the great terror and amazement of your majesty's peaceable subjects, and causing a great decay of trade and commerce amongst them: all and every of which particulars are against the law, which your majesty hath made so many and so frequent professions to uphold and maintain:

7. 'And the Lords and Commons finding, on the other side, their humble desires to be, that your majesty would hearken to your Parliament, and, declining all other counsels whatsoever, unite your confidence to your Parliament; and that your majesty would not divide your subjects' joint duty to your majesty, the Parliament, and kingdom, nor destroy the essence of your Great Council and highest court by subjecting the determinations and counsels thereof to the counsels and opinions of any private persons whatsoever; that, your majesty having passed an Act that this Parliament shall not be dissolved but by Act of Parliament, your majesty would not do any thing tending thereunto, by commanding away the lords and great officers whose attendance is necessary thereunto: that, your majesty having expressed your confidence in the affections of that county, you would please to dismiss your extraordinary guards, and the cavaliers and others of that quality, who seem to have little interest or affection to the public good, their language and behaviour speaking nothing but division and war, and their advantage consisting in that which is most destructive to others: and, lastly, that in such consultations and propositions as your majesty maketh to that county, such may not be thrust upon them as men of that county that neither by their fortune or residence are any part of it:

8. 'All which their humble and most just desires being according to law, which your majesty hath so often declared should be the measure and rule of your government and actions; and we, your majesty's most

1642 *Houses*, under the penalty of high treason. This only improved the paper combat in declarations, either party insisting

faithful subjects the Lords and Commons, fully concurring with the gentlemen and others of the county of York in their assurance that those desires of theirs will abundantly redound to the glory of God, the honour and safety of your majesty, the good of your posterity, and the peace and prosperity of this kingdom; we humbly beseech your majesty graciously to hearken unto them, and to grant them, and that you would join with your Parliament in a speedy and effectual course for the preservation of their liberties and the peace of the kingdom; which duty, as we are now called upon by that county to discharge, so do we stand engaged to God and man for the performance thereof by the trust reposed in us, and by our solemn vow and Protestation; and your majesty, together with us, stands engaged by the like obligation of trust and of an oath, besides the many and earnest professions and protestations which your majesty hath made to this purpose, to your whole kingdom in general, and to that county in particular; the peace and quiet of the kingdom (as is well observed by these gentlemen and freeholders of Yorkshire in their petition) being the only means, under God, wherein consists the preservation of the Protestant religion, the redemption of our brethren in Ireland, and the happiness and prosperity of your majesty and of all your dominions.'

June 17. 9. To which petition the King immediately dispatched this answer:

'That having carefully weighed the matter of it, though he might refer the petitioners to his two last declarations, wherein most of the particulars in this petition are fully answered, or might refuse to give any answer at all till he had received satisfaction in those high indignities he hath so often complained of and demanded justice for; yet, that all the world may see how desirous his majesty is to leave no act which seems to carry the reputation of both his Houses of Parliament, and in the least degree to reflect upon his majesty's justice and honour, unanswered, is graciously pleased to return this answer:

10. 'That if the petition mentioned to be presented to both Houses of Parliament had been annexed to this now delivered to him, his majesty might have discerned the number and the quality of the petitioners, which his majesty hath great reason to believe was not in truth so considerable as is pretended; for his majesty assures you, that he hath never refused any petition so attested as that would be thought to be. But his majesty well remembers, that on the third of June, when there was, upon his majesty's summons, the greatest and the most cheerful concourse of people that ever was beheld of one county, appearing before him at York, a gentleman (one sir Thomas Fairfax) offered, in that great confluence, a petition to his majesty; which his majesty, seeing to be avowed by no man but himself, and the general and universal acclamations of the people seeming to disclaim it, did not receive, conceiving it not to be of so public a nature as to be fit to be presented or received in that place. And his majesty is most confident (and in that must appeal to those were then present) that whatever the substance of that petition was, it was not consented to by any considerable number of gentry or freeholders of this county, but solicited by a few mean inconsiderable persons, and disliked and visibly discountenanced by the great body of the known gentry, clergy, and inhabitants of this whole county. And if the matter of that petition were such as is suggested in this, his majesty hath great reason to believe it was framed

that the law was on their side, and the people giving obedience to either according to their conveniences: and many did be- 1642

and contrived (as many others of such nature have been) in London, not in Yorkshire. For sure no gentleman of quality and understanding of this county would talk of his great preparations of arms and other warlike provisions, to the great terror and amazement of his peaceable subjects, when they are witnesses of the violent taking his arms from him, and stopping all ways for bringing more to him: and if there were no greater terror and amazement of his majesty's peaceable subjects in other places by such preparations and provisions, there would be no more cause to complain of a great decay of trade and commerce there than is in this place: but his majesty hath so great an assurance of the fidelity and general affections of his good subjects of this county, (which he hopes will prove exemplar to his whole kingdom,) that he hath great cause to believe that they do rather complain of his majesty's confidence and of his slowness; that whilst there is such endeavour abroad to raise horse and to provide arms against his majesty, and that endeavour put in execution, his majesty trusts so much to the justice of his cause and the affections of his people, and neglects to provide strength to assist that justice and to protect those affections.

11. 'For any affronts offered by the earl of Lindsey or the lord Savil to those who intended to petition his majesty, his majesty wishes that both his Houses of Parliament would have examined that information, and the credit of the informers, with that gravity and deliberation as in cases which concern the innocence and the honour of persons of such quality hath been accustomed, before they had proscribed two peers of the realm, and exposed them (as much as in them lay) to the rage and fury of the people, under the character of being *enemies to the commonwealth*, a brand newly found out (and of no legal signification) to incense the people by, and with which the innocency [1] of former times was not acquainted: and his majesty hath some reason to believe they would have found themselves as much abused in the report concerning those lords, as he is sure they are in those which tell them of the resort of great numbers of discontented persons to him, and of the other particulars mentioned to be in that petition; whereas they who observe what resort is here to his majesty well know it to be of the prime gentlemen of all the counties of England, whom nothing but the love of religion, the care of the laws and liberties of the kingdom, besides their affection to his person, could engage into so great journeys, trouble, and expense; men of as precious reputation and as exemplary lives as this nation hath any, whose assistance his majesty knows he must not expect if he should have the least design against honour and justice; and such witnesses his majesty desires to have of all his actions.

12. 'For the declining all other counsels, and the uniting his confidence to his Parliament, his majesty desires both his Houses of Parliament seriously and sadly to consider, that it is not the name of a great or little council that makes the results of that council just or unjust; neither can the imputation upon his majesty of not being advised by his Parliament, (especially since all their actions and all their orders are exposed to the public view,) long mislead his good subjects, except in truth they see some particular sound advice, necessary to the peace and happiness of the commonwealth, disesteemed by his majesty; and such an instance, he is

[1] ['simplicity, Husbands' *Collection*, p. 363, and so in the copy inserted in Clarendon's MS., by a secretary's hand; but Clarendon has himself struck out the word, and substituted 'innocency.']

1642 lieve that if the King had resorted to the old known way of lord lieutenants and deputy lieutenants, his service would have

most assured, neither can nor shall be given; and that they will think it merit in his majesty from the commonweal to reject such counsels as would persuade him to make himself none of the three estates, by giving up his negative voice to allow them a power superior to that which the law hath given him, whensoever it pleaseth the major part present of both Houses to say that he doth not discharge his trust as he ought, and to subject his and his subjects' unquestionable right and propriety to their votes, without and against law, upon the mere pretence of necessity. And his majesty must appeal to all the world who it is that endeavours to divide the joint duty of his subjects; his majesty, who requires nothing but what their own duty, guided by the infallible rule of the law, leads them to do; or they who by orders and votes (opposite and contradictory to law, custom, precedent, and reason) so confound the affections and understandings of his good subjects, that they know not how to behave themselves with honesty and safety, whilst their consciences will not suffer them to submit to the one, nor their security to apply themselves to the other.

13. 'It is not the bare saying that his majesty's actions are against the law (with which he is reproached in this petition, as if he departed from his often protestations to that purpose) must conclude him, there being no one such particular in that petition alleged of which his majesty is in the least degree guilty. Whether the same reverence and esteem be paid by you to the law (except your own votes be judge) needs no other evidence than those many, very many, orders, published in print, both concerning the Church and State; those long imprisonments of several persons without hearing them, upon general information, and the great unlimited fees to your officers, worse than the imprisonment, and the arbitrary censure upon them when they are admitted to be heard. Let the law be judge by whom it is violated.

14. 'For that part of the petition which seems to accuse his majesty of a purpose to dissolve this Parliament, (contrary to the Act for the continuance,) by commanding away the lords and great officers whose attendance is necessary; which his majesty well knows to be a calumny, by which the grand contrivers of ruin of the State hope to seduce the minds of the people from their affection to, or into jealousy of, his majesty, as if he meant this way to bring this Parliament, (which may be the case of all Parliaments) to nothing; it is not possible for his majesty more to express his affection to and his resolution for the freedom, liberty, and frequency of Parliaments, than he hath done. And whoever considers how visible it must be to his majesty that it is impossible for him to subsist without the affections of his people, and that those affections cannot possibly be preserved or made use of but by Parliaments, cannot give the least credit, or have the least suspicion, that his majesty would choose any other way to the happiness he desires for himself and his posterity but by Parliaments.

15. 'But for his calling the lords hither, or any others absenting themselves who have not been called, whoever considers the tumults (which no votes or declaration can make to be no tumults) by which his majesty was driven away, and many members of either House in danger of their lives; the demanding the names of those lords who would not consent to their propositions by message from the House of Commons delivered at the bar by Mr. Hollis, with that most tumultuous petition in the name of many thousands, (among many other of the same kind,) directed to the House of Commons, and sent up by them to the House of Lords, taking notice of the

been better carried on; the commission of array being a thing 1642
they had not before heard of, though founded upon an ancient

prevalence of a malignant faction which made abortive all their good motions which tended to the peace and tranquillity of the kingdom, desiring that those noble worthies of the House of Peers who concurred with them in their happy votes might be earnestly desired to join with that honourable House, and to sit and vote as one entire body; professing that, unless some speedy remedy were taken for the removal of all such obstructions as hindered the happy progress of their great endeavours, their petitioners should not rest in quietness, but should be enforced to lay hold on the next remedy which was at hand, to remove the disturbers of their peace, and (want and necessity breaking the bounds of modesty) not to leave any means unassayed for their relief; adding, that the cry of the poor and needy was, that such persons who were the obstacles of their peace and hinderers of the happy proceedings of this Parliament might be forthwith publicly declared, whose removal they conceived would put a period to these distractions: upon which a great number of lords departing, the vote in order to the ordinance concerning the militia was immediately passed, though it had been twice before put to the question, and rejected by the votes of [much [1]] of the major part of that House; and whoever considers the strange orders, votes, and declarations which have since passed, (to which whosoever would not consent, that is, [would?] with liberty and freedom of language and reason profess against, was in danger of censure and imprisonment) will not blame our care in sending for them, or theirs in coming, or absenting themselves from being involved in such conclusions. Neither will it be any objection, that they stayed there long after any tumults were, and therefore that the tumults drave them not away. If every day produced orders and resolutions as illegal as, and indeed but the effects of, the tumults, there was no cause to doubt the same power would be ready to prevent any opposition to those orders after they were made which had made way and preparation for the propositions of them; and so whosoever conceived himself in danger of future tumults (against which there is not the least provision) was driven away by those which were past. And his majesty hath more reason to wonder at those who stay behind, after all his legal power is voted from him, and all the people told that he might be with modesty and duty enough deposed, than any man hath at those who have been willing to withdraw themselves from the place where such desperate and dangerous positions are avowed; which his majesty doth not mention with the least thought of lessening the power or validity of any Act to which he hath given his assent this Parliament, all and every of which he shall as inviolably observe as he looks to have his own rights preserved, but to shew by what means so many strange orders have of late been made. And to shew how earnestly his majesty desires to be present at, and to receive advice from, both Houses of Parliament, (against whom it shall never be in the power of a malignant party to incense his majesty,) his majesty again offers his consent that both Houses may be adjourned to another place which may be thought convenient, where his majesty will be present, and doubts not but the members of either House will make a full appearance; and even the intermission which must attend such an adjournment may not be the least means of recovering that temper which is necessary for such debates.

16. 'And this his majesty conceives to be so very necessary, that if the minds and inclinations of every member of either House were equally com-

[1] [So in original: 'such,' MS.]

1642 Act of Parliament in the reign of Harry IV.[1], and so received with jealousy, and easily discredited by the glosses and sug-

posed, the licence is so great that the mean people about London and the suburbs have taken, that both for the liberty and dignity of Parliament that convention for a time should be in another place. And sure, how much soever the safety and security of this kingdom depends on Parliaments, it will never be thought that those Parliaments must of necessity be at Westminster.

17. 'His majesty's confidence is no less than he hath expressed (and hath great cause to express) in the affections of this county; an instance of which affections all men know his own guard (which is not extraordinary) to be; and wonders that such a legal guard, at his charge, for his person, (within twenty miles of a rebellion, and of an army in pay against him,) should be objected by those who, for so many months and in a place of known and confessed security, have, without and against law, kept a guard for themselves, at the charge of the commonwealth, and upon that stock of money which was given for the relief of the miserable and bleeding condition of Ireland, or the payment of the great debt due to our kingdom of Scotland.

18. 'For the resort of Papists to the Court, his majesty's great care for the prevention thereof is notoriously known: that when he was informed two or three of his intended guard were of that religion, he gave especial direction, with expressions of his displeasure, that they should be immediately discharged, and provided that no person should attend on him under that relation but such as took the oaths of allegiance and supremacy; that he commanded the sheriff to proceed with all severity according to the law against all Papists that should come within five miles of the Court; and if, notwithstanding this, there be any Papists near the Court, (which his majesty assures you he knows not, nor hath heard but by this petition,) he doth hereby command them to depart, and declares to all officers and ministers of justice that they shall proceed strictly against them according to the law, and as they will answer the contrary at their perils.

19. 'For the language and behaviour of the *cavaliers*, (a word, by what mistake soever, it seems, much in disfavour,) there hath not been the least complaint here; and therefore it is probable the fault was not found in this county. Neither can his majesty imagine what is meant by the mention of any men thrust upon them, in such consultations and propositions as his majesty makes to this county, who are neither by their fortune or residence any part of it; and therefore can make no answer to it.

20. 'To conclude: his majesty assures you he hath never refused to receive any petition; whether you have or no, yourselves best know, and will consider what reputation it will be to you of justice or ingenuity to receive all petitions, how senseless and scandalous soever, of one kind, under pretence of understanding the good people's minds and affections, and not only refuse the petition, but punish the petitioners, of another kind, under colour that it is a crime that they are not satisfied with your sense, as if you were only trusted by the people of one opinion: to take all pains to publish and print petitions which agree with your wishes, though they were never presented, and to use the same industry and authority to keep those that indeed were presented and avowed from being published, (though by our own authority,) because the argument is not pleasant to you; to pretend impartiality and infallibility, and to express the greatest

[1] [22 Oct., 5 Hen. IV., *Rot. Parl.* vol. III. pp. 516–7.]

gestions of the Houses, besides that some men of very good affections to the Crown, and averse enough to the extravagant pretences and proceedings of the Parliament, did not conceal their prejudice to the commission of array, as not warranted by law; which did very much work upon other men, and made the obedience less cheerful that was given to that service. 1642

365. Mr. Selden had, in the debate upon that subject in the House of Commons, declared himself very positively and with much sharpness against the commission of array, as a thing expressly without any authority of law, the statute upon which it was grounded being, as he said, repealed, and discoursed very much of the ill consequences which might result from submitting to it. He answered the arguments which had been used to support it, and easily prevailed with the House not to like a proceeding which they knew was intended to do them hurt and to lessen their authority. But his authority and reputation prevailed much further than the House, and begot a prejudice against it in many well affected men. When the King was informed of it, he was much troubled, having looked upon Mr. Selden as well disposed to his service. And the lord Falkland, with his majesty's leave, writ a friendly letter to Mr. Selden, to know his reason, why, in such a conjuncture, whatever his opinion, he would oppose the submission to the commission of array, which nobody could deny to have had its original from law and that many learned men still believed to be very legal, that the ordinance, which had no manner of pretence to right, might be the better established. He answered this letter very frankly, as a man who believed himself in the right upon the commission of array, and that

passion and affection in the order of your proceeding, and no less error and misunderstanding in your judgments and resolutions.

21. 'He doth remember well the obligation of his trust and of his oath; and desires that you will do so too, and your own solemn vow and Protestation; and then you will not only think it convenient, but necessary, to give his majesty a full reparation for all the scandals laid upon him, and all the scandalous positions made against him; and that it is less dishonour to retract errors, than, by avowing, to confess the malice of them: and will see this to be the surest way for the preservation of the Protestant religion, the redemption of our brethren in Ireland, the happiness and prosperity of yourselves and of all our dominions, and of the dignity and freedom of Parliament.']

1642 the arguments he had used against it could not be answered, summing up some of those arguments in as few words as they could be comprehended [in]: but then he did as frankly inveigh against the ordinance for the militia, which he said was without any shadow of law or pretence of precedent, and most destructive to the government of the kingdom: and he did acknowledge that he had been the more inclined to make that discourse in the House against that commission, that he might with the more freedom argue the ordinance, which was to be reconsidered upon a day then appointed; and he was most confident that he should likewise overthrow the ordinance, which he confessed could be less supported; and he did believe that it would be much better if both were rejected, than if either of them should stand and remain uncontrolled. But his confidence deceived him; and he quickly found that they who suffered themselves to be entirely governed by his reason when those conclusions resulted from it which contributed to their own designs, would not be at all guided by it, or submit to it, when it persuaded that which contradicted, and would dis-
March 2. appoint, those designs: and so, upon the day appointed for the debate of their ordinance, when, he applied all his faculties to the convincing them of the illegality and monstrousness of it, by arguments at least as clear and demonstrable as his former had been, they made no impression upon them, but were easily answered by those who with most passion insisted upon their own sense. He had satisfied them very well when he concurred with them in judgment, but his reasons were weak when they crossed their resolutions. So most men are deceived in being too reasonable, and when they conclude that men will submit to what is right who have no other consideration of right or justice but as it advances their interest or complies with their humour and passion. And so easy it hath always been to do harm, and to mislead men, and so hard to do good, and reduce them to reason.

366[1]. These paper-skirmishes left neither side better inclined to the other; but, by sharpening each other, drew the matter nearer to an issue.

[1] [§§ 366–371 from the *Hist.*, pp. 232–3.]

367. The King had written a letter to the mayor and aldermen of London, and to the masters and wardens of each several Company, by which he assured them of his desire of the peace of the kingdom; and therefore required them, as they tendered their charter of the city, and their own particular welfares, not to bring in horses, money, or plate, upon the propositions of the Houses; whereby, under pretence of raising a guard for the Parliament, forces would be levied, and in truth employed, against his majesty. 1642 June 14.

368. Of which the Houses taking notice, published a Declaration to the city, June 20, published June 21.

'That they could not be secured by his majesty's protestations that his desires and purposes were for the public peace, since it appeared by divers expressions and proceedings of his majesty that he intended to use force against those who submitted to the ordinance of the militia, and that he had likewise some intention of making an attempt upon Hull. In both which cases they did declare, that whatsoever violence should be used, either against those who exercise the militia or against Hull, they could not but believe it as done against the Parliament.' They told them, that 'the dangerous and mischievous intentions of some about his majesty were such, that whatsoever was most precious to men of conscience and honour, as religion, liberty, and public safety, were like to be overwhelmed and lost in the general confusion and calamity of the kingdom; which would not only question but overthrow the charter of the city of London, expose the citizens, their wives and children, to violence and villainy, and leave the wealth of that famous city as a prey to those desperate and necessitous persons: and therefore they forbade all the officers to publish that paper, as they would answer their contempt to the Parliament; by the power and authority of which,' they assured them, 'they should be protected and secured in their persons, liberties, and estates,' for whatsoever they should do by their advice or persuasion.

369. To this the King replied that,

'He wondered, since they had usurped the supreme power to themselves, that they had not taken upon them the supreme style too, and directed their very new declaration to their trusty and well-beloved, their subjects of the city of London: for it was too great and palpable a scorn, to persuade them to take up arms against his person under colour of being loving subjects to his office, and to destroy his person that they might preserve the King: that he was beholding to them that they had explained to all his good subjects the meaning of their charge against his majesty, that, by his intention of making war against his Parliament, no more was pretended to be meant but his resolution not to submit to the high injustice and indignity of the ordinance for the militia, and the business of Hull.' He said, 'he had never concealed his intentions in either of those parti-

1642 culars, (he wished they would deal as clearly with him,) but had always and did now declare, that that pretended ordinance was against the law of the land, against the liberty and property of the subject, destructive to sovereignty, and therefore not consistent with the very constitution and essence of the kingdom, and to the right and privilege of Parliament: that he was bound by his oath (and all his subjects were bound by theirs of allegiance and supremacy, and their own Protestation lately taken, to assist his majesty) to oppose that ordinance, which was put already in execution against him, not only by training and arming his subjects, but by forcibly removing the magazines from the places trusted by the counties to their own houses, and guarding it there with armed men. Whither it would be next removed, or how used by such persons, he knew not.

370. 'That the keeping his majesty out of Hull by sir John Hotham was an act of high treason against his majesty; and the taking away his magazine and munition from him was an act of violence upon his majesty, (by what hands or by whose direction soever it was done:) and in both cases, by the help of God and the law,' his majesty said, 'he would have justice, or lose his life in the requiring it; the which he did not value at that rate as to preserve it with the infamy of suffering himself to be robbed and spoiled of that dignity he was born to. And if it were possible for his good subjects to believe that such a defence of himself, with the utmost power and strength he could raise, was making a war against his Parliament, he did not doubt, (however it should please God to dispose of him in that contention,) but the justice of his cause would at the last prevail against those few malignant spirits who, for their own ends and ambitious designs, had so misled and corrupted the understandings of his people. And since neither his own declaration, nor the testimony of so many of his lords then with his majesty, could procure credit with those men, but that they proceeded to levy horse and to raise money and arms against his majesty,' he said, 'he was not to be blamed, if (after so many gracious expostulations with them, upon undeniable principles of law and reason, which they answered only by voting that which his majesty said to be neither law nor reason, and so proceeded actually to levy war upon his majesty to justify that which could not be otherwise defended,) at last he made such provision, that, as he had been driven from London and kept from Hull, he might not be surprised at York, but in a condition to resist and bring to justice those men, who would persuade his people that their religion was in danger, because his majesty would not consent it should be in their power to alter it by their votes: or their liberty in danger, because he would allow no judge of that liberty but the known law of the land: yet,' he said, 'whatever provision he should be compelled to make for his security he would be ready to lay down, as soon as they should revoke the orders by which they had made levies, and submitted those persons who had detained his towns, carried away his arms, and put the militia in execution contrary to his proclamation, to that trial of their innocence which the law had directed, and to which they were born. If that were not submitted to, he should with as good a conscience proceed against those who should presume to exercise that pretended ordinance for the militia, and the other who

should keep his town of Hull from him, as he would resist persons who 1642
came to take away his life or his crown from him.

371. 'And therefore his majesty again remembered and required his city of London to obey his former commands, and not to be misled by the orations of those men, who were made desperate by their fortunes or their fortunes by them, who told them their religion, liberty, and property, was to be preserved no other way but by their disloyalty to his majesty: that they were now at the brink of the river, and might draw their swords,' (which was an expression used at a great convention of the city,) 'when nothing pursued them but their own evil consciences. He wished them to consider whether their estates came to them and were settled upon them by orders of both Houses, or by that law which his majesty defended: what security they could have to enjoy their own when they had helped to rob his majesty, and what an happy conclusion that war was like to have which was raised to oppress their sovereign: that the wealth and glory of their city was not like to be destroyed any other way but (—and that way inevitably it must—) by rebelling against his majesty, nor their wives and children to be exposed to violence and villainy but by those who make their appetite and will the measure and guide to all their actions. He advised them not to fancy to themselves melancholic apprehensions, which were capable of no satisfaction, but seriously to consider what security they could have that they had not under his majesty, or [had] been offered by him: and whether the doctrine those men taught, and would have them defend, did not destroy the foundations upon which their security was built?'

372[1]. This great conflux of men of all conditions and quali-

[1] [§§ 372-376 are from the *Life*, pp. 171-2. The *Hist.* continues as follows, at p. 233:—

'As this severe joining issue upon two points in which both sides were so deeply engaged, made it now evident that one must either retract and recant what they had said and done or make it good by the sword, so at this time an accident happened (about the end of June) that hastened the crisis. When sir John Pennington had conveyed the Queen's majesty over into Holland the February before, he had left the Providence (a ship of the fourth rank) under the command of captain Strahen, (an honest and a faithful Scotchman,) to attend her majesty's command from time to time in the ports there; and after the King's repair into the north he had passed once or twice with letters and messages between their majesties, and at this time was to convoy a small catch, laden with powder and arms, (which the Queen by ready money, upon the pawn of her jewels, had provided there,) to the King. The Parliament, (for by that name, how improperly soever, I must call the opposite party,) knowing, from the beginning, of that ship's lying at the Sluce to execute the Queen's commands, and being exactly advertised from time to time of the pawning and sale of the jewels, of the providing ammunition, and indeed of whatsoever was done by any of her majesty's ministers or said by herself, (so good instruments they had abroad,) had appointed their admiral, the earl of Warwick, (who needed no animadversions to be vigilant to disserve the King,) that he should take

1642 ties and humours could not continue long together at York without some impatience and commotion: and most men won-

care that that ship were diligently waited on, and the northern coast as carefully guarded, that no ammunition or other things should be sent to the King. So that the Providence was no sooner at sea with the other catch, than she was chased by the King's own ships as an enemy, and was forced by their close pursuit into the mouth of the river of Humber: so that the ships which followed being at her stern, and the town of Hull, and the ships and pinnaces which lay there, at her head, they looked upon ship and catch and ammunition as their own lawful prize, and with great triumph and clamour threatened execution to all the men that were aboard, of what condition soever. But the dexterous and trusty Strahen, well knowing where he was, derided their insolence; and finding that his own ship drew much less water than those bigger that pursued him, took advantage of a small creek of the river which inclined more to the land, and three or four miles before he came to Hull ran himself and the catch on ground, when the other thought him even in their possession, which could not now come near him. They who were aboard, with the same dexterity with which the captain had brought them thither, landed in the evening, and with marvellous expedition, with the help of the country people, who affectionately flocked to them, before the morning raised such a work for the security of themselves and their vessels, that the garrison of Hull, with all their horse and foot and shallops and seamen, durst not adventure to assault them: which, without doubt, had been most easy to have been done, and so to have crushed all probable hopes of his majesty's ever getting farther supplies of that kind. This being within twenty miles of York and four of Hull, the King quickly received advertisements of this arrival, which he had long impatiently expected, and as soon sent such aid thither that the ammunition and guns, and whatsoever was useful, was quickly and securely brought on shore, and by degrees to York; the ship being left to them who had the power of the seas, and had so fairly compounded in suffering the King to receive all he could then make use of, having no port so much at his devotion that he could have wished the vessel in. The fame and reputation of this supply was much greater than the supply itself; for besides 300 barrels of powder, and two demi-cannons, which the Prince of Orange sent to the King as a present,) and those brass pieces which were taken out of the ship, the arms and other provisions were very small: but the opinion that there was money and arms and whatsoever was necessary for a war put a marvellous alacrity into all men, who seemed not now to doubt that the King would be quickly master of all he desired, since he had ammunition, the want whereof they only apprehended. And now his majesty thought it time to resent some ill usage, of which he had hitherto scarce taken any public notice, which was the disposal of his navy, so contrary to his royal and express pleasure, by him whom he had only trusted, and who, he thought, might have prevented the violence which was offered to him. From the time that the earl of Warwick had been intrusted with the fleet, instead of guarding the coasts from foreign enemies the King had found himself only besieged

dered that there appeared no provision to be made towards a war, which they saw would be inevitable, and, when the levies of soldiers under the earl of Essex were hastened with so much vigour, that the King should have no other preparation towards an army than a single troop of guards, made up of gentlemen volunteers, who all men foresaw would quit the troop when there should be an army: and many do yet believe that the King too long deferred his recourse to arms, and that if he had raised forces upon his first repulse at Hull his service would have been very much advanced, and that the Parliament 1642

by his own navy, and to be so far from being lord of the seas that he was the only person to whom the sea was not free, by the strength and power of his own royal fleet; all vessels searched as enemies which were suspected to be employed in his service, and letters directed to himself from the Queen, as others formerly from others to her majesty had been, seized, opened, and read: yet he thought it not fit to impute the fault to him who was mediately and originally guilty of the whole in his judgment, the earl of Northumberland, who, notwithstanding his public compliance at Westminster, was industrious underhand, by his friends, to persuade his majesty that he was not so faulty as he was supposed to be, at least, that he made no doubt of an opportunity by some signal service to redeem all his errors, and to repair the damage [he] had received by his confidence in him. And truly I have reason to believe that at that time his lordship's heart went not with those violent proceedings which were every day concluded, and that he discovered himself to be abused by those of whose intentions he had had a better persuasion. But now the chasing that ship of his majesty's own, and known to be employed in his especial service, with those circumstances of insolence and hostility, put the Court and country into a liberty of discourse as if the King were too remiss in the care of himself; and his majesty understood that he suffered more in foreign parts, many saying that the King could not reasonably expect any assistance from his allies, when the greatest acts of hostility were performed against him by those who pretended not, or in truth had not, any power or authority for what they did but such as was derived from his own commission; so that both for his honour and security, he concluded that it was necessary to revoke and supersede the patent of Admiral granted to the earl of Northumberland. But the secret transaction of the same as much concerned him: for there was no doubt, if the Parliament should have the least inkling of such his majesty's intentions, they would quickly by an ordinance attempt the possessing themselves of his navy, as they had of the militia by land; and therefore, though it were a matter of so great importance as was fit to be consulted in Council, yet it was evident that by such a communication the service would miscarry, the earl having many friends there, who, if they could not dissuade the resolution, would be sure to give speedy advertisement of it.']

1642 would not have been able to have drawn an army together. And so they reproach the councils which were then about the King, as they were censured by many at that time: but neither they then nor these now do understand the true reason thereof. The King had not at that time one barrel of powder nor one musket, nor any other provision necessary for an army, and, which was worse, was not sure of any port to which they might be securely assigned; nor had he money for the support of his own table for the term of one month. He expected with impatience the arrival of all these by the care and activity of the Queen, who was then in Holland, and by the sale of her own as well as of the crown jewels, and by the friendship of Harry, Prince of Aurange, did all she could to provide all that was necessary; and the King had newly directed her to send all to Newcastle, which was but then secured to him by the diligence of that earl. In the mean time, both the King himself and they who best knew the state of his affairs, seemed to be without any thoughts of making war, and to hope that the Parliament would at last incline to some accommodation; for which both his majesty and those persons were exposed to a thousand reproaches.

373. The Queen had many difficulties to contend with; for though the Prince of Aurange had a very signal affection for the King's service, and did all he could to dispose the States to concern themselves in his majesty's quarrel, yet his authority and interest was much diminished with the vigour of his body and mind, and the States of Holland were so far from being inclined to the King that they did him all the mischieve they could. They had before assisted the rebellion in Scotland, with giving them credit for arms and ammunition before they had money to buy any; and they did afterwards several ways discover their affections to the Parliament, which had so many spies there that the Queen could do nothing they had not present notice of; so that it was no easy matter for the Queen to provide arms and ammunition but the Parliament had present notice of it, and of the ways which were thought upon to transport them to the King: and then their fleet, under the

command of the earl of Warwick, lay ready to obstruct and 1642
intercept that communication, nor was any remedy in view to remove this mischieve; insomuch as it was no easy thing for the King to send to, or to receive letters from, the Queen.

374. There was a small ship of 28 or 30 guns, that was part of the fleet that wafted her majesty into Holland from Dover, which was called the Providence, under the command of captain Straughan, when the fleet was commanded by sir John Pennington, and before the earl of Warwick was superinduced into that charge against the King's will. That ship, the captain whereof was known to be faithful to his majesty, was by the Queen detained and kept in Holland from the time of her majesty's arrival, under several pretences, of which the captain made use when he afterwards received orders from the earl of Warwick to repair to the fleet in the Downs, until, after many promises and excuses, it was at last discerned that he had other business and commands; and so was watched by the other ships as an enemy. This vessel the Queen resolved to send to the King, principally to inform his majesty of the straits she was in, of the provisions she had made; and to return with such particular advice and directions from his majesty that she might take further resolutions. And because the vessel was light, and drew not much water, and so could run into any creek or open road or harbour, and from thence easily send an express to the King, there was put into it about two hundred barrels of powder, and two or three thousand arms, with seven or eight field-pieces; which they knew would be very welcome to the King, and serve for a beginning and countenance to draw forces together. The captain was no sooner put to sea but notice was sent to the fleet in the Downs; who immediately sent three or four ships to the north, which easily got the Providence in view before it could reach that coast, and chased it with all their sails till they saw it enter into the river of Humber; when, looking upon it as their own, they made less haste to follow it, being content to drive it before them into their own port of Hull, there being as they thought no other way to escape them, until they plainly

1642 saw the ship entering into a narrow creek out of the Humber, which declined Hull and led into the country some miles above it; which was a place well known to the captain, and designed by him from the beginning. It was in vain for them then to hasten their pursuit; for they quickly found that their great ships could not enter into that passage, and that the river was too shallow to follow him; and so, with shame and anger, they gave over the chase, whilst the captain continued his course, and, having never thought of saving the
July 2. ship, run it on shore near Burlington, and with all expedition gave notice to the King of his arrival; who immediately caused the persons of quality in the parts adjacent to draw the train-bands of the country together, to secure the incursions from Hull; and by this means the arms, ammunition, and artillery were quickly brought to York.

375. The King was well content that it should be generally believed that this small ship, (the size whereof was known to few,) had brought a greater quantity and proportion of provisions for the war than in truth it had; and therefore, though it had brought no money, which he expected, he forthwith granted commissions to raise regiments of horse and foot to such persons of quality and interest as were able to comply with their obligations. He declared the earl of Lindsey, Lord High Chamberlain of England, his general of the army; a person of great honour and courage and generally beloved, who had many years before had good command in Holland and Germany, and had been admiral at sea in several expeditions. Sir Jacob Ashly was declared major general of the foot, a command he was very equal to, and had exercised before, and executed after with great approbation. The generalship of the horse his majesty reserved for his nephew prince Rupert, who was daily expected, and arrived soon after: and all levies were hastened with as much expedition as was possible in so great a scarcity and notorious want of money; of which no more need be said, after it is remembered that all the lords and council about the King, with several other persons of quality, voluntarily made a subscription for the payment of so many horse for three

months, in which time they would needs believe that the war 1624
should be at an end; every one paying down what the three months' pay would amount to into the hands of a treasurer appointed to receive it; and this money was presently paid for the making those levies of horse which were designed, and which could not have been made but by those moneys.

376. And now the King thought it time to execute a resolution he had long intended, and which many men wondered he neglected so long; which was, as much as in him lay, to take the Admiralty into his own hands. He had long too much cause to be unsatisfied and displeased with the earl of Northumberland, whom he thought he had obliged above any man whatsoever: his delivering the fleet into the hands and command of the earl of Warwick, after his majesty had expressly refused it to the Parliament, he resolved never to forgive, however he thought it not then seasonable to resent it, because he had nothing to object against him but his compliance with the command of the Parliament, which would have made and owned it as their own quarrel, and must have obliged him to put his whole interest into their hands, and to have run their fortune, to which he was naturally too much inclined: and then his majesty foresaw that there would have been no fleet at all set out that year, by their having the command of all the money which was to be applied to that service; whereas by his majesty's concealing his resentment, there was a good fleet made ready and set out, and many gentlemen settled in the command of ships of whose affection and fidelity his majesty was assured that no superior officer could corrupt it, but that they would at all times repair to his service whenever he required it. And indeed his majesty had an opinion of the devotion of the whole body of the common seamen to his service, because he had bountifully so much mended their condition and increased their pay, that he thought they would have thrown the earl of Warwick overboard when he should command them; and so the respiting the doing it would be of little importance. But now, that a ship of his own, in the execution of his commands, should be chased by

1642 his own fleet as an enemy, made such a noise in all places, even to his reproach and dishonour, that he could no longer defer the doing what he had so long thought of. He resolved, therefore, to revoke the earl of Northumberland's commission of the office of High Admiral of England, and to send the revocation to him under the Great Seal of England: then, to send sir John Pennington, who was then at York, on board the fleet, and to take the charge of it: and letters were prepared, and signed by the King, to every one of the captains, whereby they were required to observe the orders of sir John Pennington. And all this was carried with all possible secrecy, that none but those few who were trusted knew or suspected any such alteration.

377[1]. But the King thought fit first to advise with sir John

[1] [The text is here, in §§ 377–433, resumed from the *Hist.*, pp. 234–248. The first sentence in § 377 originally began thus :—'The King therefore, with two or three, whom he trusted with the greatest secrets, debating the objections on both sides, resolved that the thing was to be done, and for the way of doing it, that is, for the getting the fleet into his own power at the time that he determined the power of the earl of Northumberland, he thought fit to advise,' &c. The *Life* (p. 172) continues as follows :—

'Mr. Edward Villiers was appointed to deliver the revocation to the earl of Northumberland, and Mr. May was to deliver the letters to the several captains of the fleet, and the full despatches were delivered to the messengers. But sir John Pennington, upon the second thoughts, caused the whole despatch to be altered when the messengers were upon their horses. His first exception was not unreasonable: it was a long journey from York to the fleet, and it was to be made in a short time; for as soon as the revocation should be delivered to the earl of Northumberland, it was discerned that if the fleet were not secured the same time there would quickly be sent new orders from the Parliament. The weather was very hot, being about the beginning of July, and sir John Pennington was not young, nor had been used much to riding: if he should fall sick upon the way, or be taken prisoner, which was probable enough, the captains, having no other directions in their letters but to follow his orders, would not know what to do: and therefore he desired the King that every captain might be required in his letter, immediately upon receipt of it, to weigh his anchors, and to make all possible [haste] to Burlington Bay, where they should receive further orders. The reasons for this advice were very good, and the letters were all prepared accordingly in a short time. But the reasons which he gave were not the reasons which moved him. He had no mind to expose himself in the first shock to the personal undertaking to dispossess the earl of Warwick, and prevailed with the King (who suspected no such thing) to give him leave, if he found any indisposition of health,

Pennington, of whose integrity he was confident, and whose judgment he always principally relied on in all his maritime 1642

upon so long a journey made in so short a time, to rest at the seaside, and to send sir Harry Palmer, who was controller of the navy, and of unquestionable loyalty to the King, to take possession of the fleet, and to observe his directions till he could himself come to him; which was absolutely the ruin of the service, as will appear anon. But the King, who knew his fidelity that never deceived him, [and] had an extraordinary opinion of his other abilities, never made scruple of granting his desire, without so much as communicating to the rest who had prepared the several despatches; and so, after the loss of four and twenty hours, Mr. Villiers prosecuted his journey to London, and sir John Pennington and Mr. May took the nearest way together to that part of Essex which was nearest the Downs, and to the place where they looked to find sir H. Palmer. The earl of Northumberland received the revocation with that gravity and duty that became June 30.
him; said he did obey it, and wished that it might prove to the good of the King's service; and gave immediate directions for the quitting and removing all those marks and ensigns which attended, and were used by, the person of the Admiral of England. The Parliament looked upon it with their usual insolence as a new affront and assault upon their authority, and exceedingly importuned the earl to receive, and continue in, the office by their grant and an ordinance of both Houses. But they could not prevail with him, who thought it not agreeable to his honour to hold the possession of an office against the King's will, from whose bounty he had received it; and they forebore pressing, or being angry with his refusal; which was a respect they would have given to no other man, well knowing that it was much easier to mislead than to convert him, and that they should still have advantage from his concurrence in other things, though not in this: and so
they immediately made the earl of Warwick High Admiral of England by July 1.
their ordinance, and used all possible expedition in sending it to him at the fleet, together with a declaration to the seamen, by which they obliged them to continue firm to their service and to an entire obedience of the earl of Warwick, both which [were [1]] sent by some of their own members. Sir John Pennington made not so much haste, but first sent Mr. May and then sir H. Palmer on board the fleet, to feel the pulses, and upon pretence of indisposition concealed himself at land. When Mr. May came thither, he found the conjuncture more favourable than he could expect. The weather being very fair, the earl of Warwick was that day gone on shore to a jolly dinner, in which he naturally took great delight, at a gentleman's house who lived five or six miles from the shore, and had taken several of the
officers with him; so that he had time and opportunity to deliver all his July 2.
letters to the several captains, many of whom received them with all alacrity, as orders they had expected: and there seemed great reason to believe, that if sir [J.] Pennington had been then present, who had a greater interest in the common seamen than any other person, having commanded them so many years, he might have carried all the fleet whither

[1] ['was,' MS.]

1642 actions; and thought him the only person immediately to take the fleet out of the earl of Warwick's possession, who had dis-

he would. Batten, whom the King had made surveyor of his navy, was vice-admiral of the fleet, and commanded in chief during the absence of the earl, and upon whom the Parliament's confidence was placed as much at least as in the earl. He was a man of a rough nature, and no breeding but that of a common mariner, from whence he came to be master of a ship[1] in the service of the merchants; in which he had made many long voyages with good success, and with the reputation of courage and conduct: from which station he was, by the mistake of that time, raised to the King's service. He received the King's letter with his natural rudeness, and without speaking a word; but instantly sent a trusty messenger on shore to let the earl know what was fallen out, and calling those about him of whom he was most confident, they sent their emissaries on board those ships whose officers were most suspected to be at the King's devotion, to dispose the common seamen to disobey their commands. But this poison would not have wrought so soon, if the captains who were well resolved had done their parts, and immediately weighed their anchors, and stood with their ships to the north, without considering any thing but the performance of their own duties according to the directions they had received. But being men of no understanding and parts, how good soever their affections were, they wasted time in sending one to another, whose resolutions they were acquainted with, making no doubt but that they could execute their part at any time. Sir John Mennes, who was of clear and unalterable affection, which appeared on all occasions, and was of much the best parts amongst them, was at that time on shore with the earl of Warwick; and they had a great desire to have him, who was rear-admiral of the fleet, in their company; and they had heard some mention of sir John Pennington to be on the shore, ready to come to them; all which disturbed or delayed the execution of what they resolved to do. So that the earl of Warwick, who made all the haste he could after the advertisement, found his fleet still together, with what irresolutions soever divided; suffered not sir John Mennes to go to his own ship, but took him with him on board the admiral, whither he sent for all the captains to attend him: and he had not been long there, when his new commission and declaration were brought to him by members of Parliament, which he made haste to publish, and so wrought upon the seamen that they delivered up all their captains and other officers who refused to go to him upon his summons, and thought then to have carried their ships away when it was too late, and whom he sent presently on shore to follow their own inclinations, and put other officers into their places. He used all the persuasions he could to sir John Mennes, whom he and every body loved, to induce him to continue his command under his new commission, which he refusing to do, he caused a boat to set him on shore, without permitting him to go to his own ship. And so all the officers took a new oath of fidelity to the Parliament without any reservation. Kytleby and Stradling were with

[1] ['sheepe,' MS.]

possessed him of the command that year which he had usually 1642
exercised. Sir John Pennington, finding the matter full of difficulty and the execution like to meet with some interruptions, expressed no alacrity to undertake it in his own person; alleging that himself stood in the Parliament's disfavour and jealousy, (which was true,) and that therefore his motion and journey towards the Downs, (where the fleet then lay,) would be immediately taken notice of, and his majesty's design be so much guessed at that there would need no other discovery: but propounded to his majesty that he would send a letter to sir Robert Mansell, who lived at Greenwich, speedily to go to the fleet and take charge of it; and that his authority, (being Vice-admiral of England,) and his known and great reputation with the seamen, would be like to meet with the least resistance. His majesty, imparting this counsel to those whom he had made privy to his purpose, entered upon new considerations; and concluded that sir Robert Mansell's age, (though his courage and integrity were unquestionable,) and the accidents that depended upon that, would render that expedient most hazardous; and that, in truth, there needed no such absolute and supreme officer to be appointed in the first article; but that rather, his majesty should direct his special letter to the captain of every ship, requiring him immediately to weigh anchor, and to bring away his ship to such a place as his majesty might appoint, where he should receive further orders: and to that place he might send such an

two excellent ships upon the coast of Ireland for that guard, and were entirely devoted to the King's service; but they no sooner endeavoured to bring off their ships to the King but they were seized upon by the seamen, and kept prisoners till they could be sent to land. And in this manner the King was bereft of all his royal navy, in a time when their coming off might have turned the scale, and probably have disposed the Parliament to hearken to terms of accommodation: for there were many who appeared as violent as the rest against the King, who therefore did it upon the belief that the King could never bring it to a war: and he no sooner appeared to have any advantage, and to be able to make any opposition, but they were glad to entertain any treaty, which the power of the rest could never sway them from accepting, though they easily deluded them in the prosecution of it. This loss made the most sensible impression upon the mind of the King of any that ever befell him.']

1642 officer as he thought fit to trust with the command of the whole navy so assembled. And according to this resolution
June 25. the whole despatch was prepared. First, a revocation of the earl of Northumberland's commission of Admiral, under the Great Seal of England, of which there was a duplicate, the one to be sent to his lordship, the other to the earl of Warwick, whose commission was founded upon, and so determined by, the other. Then, a several letter to each of the captains of his ships, informing them of his majesty's revocation of the Admiral's patent, and consequently of the determination of the earl of Warwick's commission, (to whom his majesty like-
June 28. wise writ, to inhibit him from further meddling in that charge,) and therefore commanding them to yield no further obedience to either of their orders; but that immediately upon the receipt of those his royal letters he should weigh anchor, and, with what speed he might, repair to Burlington Bay upon the coast of Yorkshire, where he should receive his majesty's further pleasure: and so each commander, without relation to any other commands, had no more to look after but his own ship and his own duty, by which the King might expect at least so many ships as were under the government of those who had any affection or fidelity to his service.

378. Accordingly, all things being prepared, and signed by the King, and sealed, what immediately concerned the earl of Northumberland was delivered to Mr. May [1], his majesty's page, to be given to the earl of Northumberland at London, and the whole despatch to the fleet to Mr. Edward Villiers, whose diligence and dexterity his majesty found fit for any trust; the former being directed not to make such haste but that the other might be at least as soon at the Downs as he at London; and Mr. Villiers again being appointed what letters he should first deliver to the captains, and that he should visit the earl of Warwick in the last place, that his activity might have no influence upon the seamen to prevent their obedience to his majesty. And surely if this resolution had been pursued, it is very probable that the King had been master of very many of

[1] ['Progers,' first written by Clarendon, but corrected.]

his ships again. But, when the messengers were despatched 1642
and well instructed, and he that was for London gone on his journey, there was a sudden and unexpected change of the whole direction to the fleet, by sir John Pennington's repair to his majesty, and, upon second thoughts, offering to go himself to the Downs and to take charge of the fleet; which changed the forms of the letters to the several captains, and, instead of leaving every one to use his best expedition to bring away his own ship to Burlington, required them only to observe such orders as they should receive from sir J. Pennington; who thought not fit (for the reasons formerly given of his being taken notice of) to go with Mr. Villiers, but, by him, writ to sir Henry Palmer, (to whom likewise his majesty sent a letter to that purpose,) being an officer of the navy, and who lived by the Downs, immediately to go aboard the admiral, and himself would make all possible haste to him; setting out at the same time with Mr. Villiers, but journeying a farther and more private way. Mr. Villiers, lest by his stay for the alteration of his despatches his companion's coming to London sooner than was expected at their parting might produce some inconvenience to the service, slept not till he came to sir Henry Palmer; who, being infirm in his health, and surprised with the command, could not make that expedition aboard as might have been requisite, though he was loyally and zealously affected to his majesty's service[1]. However, Mr. Villiers hastened to the July 2.
ships, which lay then at anchor, and according to his instructions delivered his several letters to the captains; the greatest part whereof received them with great expressions of duty and submission, expecting only to receive sir John Pennington's orders, for which they stayed; and without doubt, if either the first letters had been sent, or sir John Pennington been present when these other were delivered, his majesty had been possessed of his whole fleet; the earl of Warwick being at that time, according to his usual licenses, with some officers whose company he liked, on shore making merry; so that there

[1] [This last line is an alteration from the following: 'though I have not heard he was otherwise than loyally and zealously,' &c.]

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1642 was only his vice-admiral, captain Batten, aboard, who was of eminent disaffection to his majesty; the rear-admiral, sir John [Mennes[1].] being of unquestionable integrity.

379. But after five or six hours, (in which time nothing could be acted for want of advice and direction, enough being ready to obey but none having authority to command,) the earl of Warwick came aboard his ship, to whom Mr. Villiers likewise gave his majesty's letters of discharge: who, without any declaration of disobeying it, applied himself to the confirming those whom he thought true to his party, and diligently to watch the rest: presuming that he should speedily hear from those by whom he had been originally trusted: in the mean time, the captains expecting orders from sir John Pennington, who likewise privately expected such an account from sir Henry Palmer as might encourage him to come to the ships.

380. But this unfortunate delay lost all; for the other gentleman, according to his instructions, having reached London
June 30. in the evening after the Houses were risen, delivered the King's letter, and the discharge of his commission, to the earl of Northumberland: who, with all shows of duty and submission, expressed his resolution to obey his majesty, and a hearty sorrow that he had by any misfortune incurred his majesty's displeasure. How ingenuous soever this demeanour of his lordship's was, the business was quickly known to those who were more concerned in it: who were exceedingly perplexed with the apprehension of being dispossessed of so great a part of their strength as the royal fleet, and earnestly pressed the earl of Northumberland that, notwithstanding such his majesty's revocation, he would still continue the execution of his office of Lord High Admiral, in which they would assist him with their utmost and full power and authority. But his lordship alleging that 'it would ill become him, who had received that charge from the King with so notable circumstances of trust and favour, to continue the possession thereof against his express pleasure, there being a clause in his grant

[1] ['Mince,' MS.]

that it should be only during such time as his majesty thought 1642
fit to use his service,' and so utterly refusing to meddle farther
in it, as soon as they could get the Houses together the next
morning they easily agreed to pass an ordinance, (as they July 1.
called it,) to appoint the earl of Warwick to be admiral of
that fleet, with as full and ample authority as he had before
had from the earl of Northumberland. Which ordinance,
together with letters and votes of encouragement to his lord-
ship and to the officers and seamen, they speedily sent by a
member of their own, who arrived therewith the next morning, July 2.
after Mr. Villiers had delivered the King's letters; sir John
Pennington in the mean time neither coming or sending any
farther advice.

381. The earl of Warwick being thus armed, found himself
master of his work, and immediately summoned all the captains
to attend him at his ship in council; the which all but two
did, (captain Slingsby and captain Wake,) who, being by his
majesty's letters (as the rest were) expressly charged to yield
no farther obedience to the earl of Warwick, refused to repair
to him, making themselves ready to resist any violence, and
putting their ships in order to go out to sea, that they might
be at liberty to attend his majesty's commands: but they were
so encompassed by the whole fleet, and the dexterity of the
earl's ministers was such, and the devotion generally of the
seamen so tainted and corrupted to the King's service, that, in-
stead of carrying away the ships, the captains themselves were
seized, taken, and carried by their own men to the earl[1], who
immediately committed them to custody, and sent them up pri- July 18.
soners to the Parliament. Then his lordship communicated
the ordinance, letters, and votes from the two Houses to the
rest of the officers; of whom only two more[2] refused to continue
their charge against the signification they had received from
the king, (sir J. [Mennes[3]] and captain Burly,) who were
quickly discharged and set on shore; and the rest, without any

[1] [See the earl's letter to Pym of July 4, read in Parl. July 5; *Journals of House of Lords*, vol. v., p. 185.]

[2] [There was a third, Capt. Richard Fogg.]

[3] ['Mince,' MS.]

1642 scruple or hesitation, obliged themselves to obey the earl of Warwick in the service of the Parliament. So that the storm was now over, and the Parliament fully and entirely possessed of the whole royal navy and militia by sea (for they quickly disposed of the two honest captains Kitleby [Kettleby] and Stradlin[g], whom they could not corrupt, who guarded the Irish seas, and got those ships likewise into their service,) and his majesty without one ship of his own in his three kingdoms at his devotion.

382. As this loss of the whole navy was of unspeakable ill consequence to the King's affairs, and made his condition much the less considered by his allies and neighbour princes, who saw the sovereignty of the sea now in other hands, who were more imperious upon the apprehension of any discourtesies than regular and lawful monarchs use to be, I cannot but observe some unhappy circumstances and accidents in this important business of the navy, which looked like the hand of Providence to take that strength of which his majesty was most confident out of his hands. When the resolution of the House of Commons, and, after, the concurrence of the Lords, was peremptory, and the earl of Northumberland's compliance with them as obstinate,
April 4. for the sending the earl of Warwick admiral of that fleet, in the place of sir John Pennington upon whom the King depended, it was resolved likewise that captain Carteret controller of his majesty's navy, a man of great eminency and reputation in naval command, should be vice-admiral. He, thinking it became his near relation to his majesty's service, to receive his royal pleasure before he engaged himself in any employment of that nature, addressed himself for his princely directions. The King thought his fleet upon the matter taken from him, when another, whose disaffection to his service was very notorious, was, contrary to his express pleasure, presumptuously put into the command of it, and his own minister displaced for no other reason (his sufficiency and ability for command being by all men confessed) but his zeal and integrity to him, and therefore he would not countenance that fleet and that admiral with suffering an officer of his own to command in it under the other,

and so wished captain Carteret to decline the employment, which 1642
he prudently and without noise did; and thereupon, another officer of the navy, even the surveyor general, captain Batten, a man of very different inclinations to his master and his service, and furious in the new fancies of religion, was substituted in the place: whereas if captain Carteret had been suffered to have taken that charge, his interest and reputation in the navy was so great, and his diligence and dexterity in command so eminent, that I verily believe he would, against whatsoever the earl of Warwick could have done, [have] preserved a major part of the fleet in their duty to the king. The misfortunes which happened after, and are mentioned before, are not in justice to be imputed to sir John Pennington, (who, sure, was a very honest gentleman, and of unshaken faithfulness and integrity to the King,) but to the little time he had to think of it, and the perplexity he was in (besides his true zeal to the service) to think that so great a service as the recovery of the royal navy should be done without his personal engagement, and to look so vigilantly to his own security that, instead of taking the fleet from the earl of Warwick, he was not himself taken by the earl and sent to the Parliament, where the carrying over the lord Digby, and some other jealousies, had left a great arrear of displeasure against him.

383. The truth is, the King was so confident upon the general affections of the seamen, who were a tribe of people more particularly countenanced and obliged by him than other men, his majesty having increased their allowance in provision and money above the old establishment of the navy, that he did believe no activity of ill officers could have corrupted them, but that, when the Parliament had set out and victualled the fleet, it would upon any occasion declare itself at his devotion. On the other side, they had been taught to believe that all the King's bounty and grace towards them had flowed from the mediation of those officers who were now engaged against the King, and that, the Parliament having seized the customs and all other the revenue of the King, they had no other hope of pay or subsistence but by absolutely devoting themselves to

1642 their service; so that a greater or more general defection of any one order of men was never known than that at this time of the seamen; though many gentlemen, and some few of the common sort, (to their lasting honour and reputation,) either addressed themselves to the active service of their sovereign, or suffered imprisonment and the loss of all they had for refusing to serve against him.

384. The news of this diminution of his majesty's power, and terrible addition of strength to his enemies, was a great allay to the brisk hopes at York upon the arrival of their ammunition, and wise men easily discerned the fatal consequence of it in opposition to the most hopeful designs; yet in a very short time all visible sense of it so much vanished, that (as there was a marvellous alacrity at that time in despising all advantages of the Parliament) men publicly and with great confidence averred that the King was a gainer by the loss of his fleet, because he had no money to pay the seamen or keep them together; and that one victory at land, (of which there was no doubt,) would restore him to his dominion at sea, and to whatsoever had been unjustly taken from his majesty.

385. But the King found it was now time to do more than write declarations, that [the parliament[1]] were now entirely possessed of the militia by sea, and made such a progress in the attempt to resume the same at land, that, though the people generally, (except in great towns and corporations, where, besides the natural malignity, the factious lecturers, and emissaries from the Parliament, had poisoned the affections,) and especially those of quality, were loyally inclined, yet the terror of the House of Commons was so great, which sent for and grievously punished those shrieves and mayors who published, according to their duties and express oaths, his majesty's proclamations, and those ministers who, according to his injunctions, read and divulged his declarations, that all such, and indeed all others eminently affected to the King, were forced to fly to York for protection, or to hide themselves in corners from that inquisition which was made for them. And therefore his majesty, in

[1] ['they,' MS.]

the first place, that he might have one harbour to resort to in his kingdom, sent the earl of Newcastle, privately, with a commission to take the government of Newcastle; who, against the little opposition which was prepared by the schismatical party in the town, by his lordship's great interest in those parts, the ready compliance of the best of the gentry, and the general good inclinations of the place, speedily and dexterously assured that most important rich town and harbour to the King; which, if it had been omitted but very few days, had been seized on by the Parliament, who had then given direction to that purpose. Then, for the protection of the general parts of the kingdom and keeping up their affections, his majesty appointed and sent many of the nobility and prime gentlemen of the several counties, who attended him, into their counties to execute the commission of array, making the marquis of Hartford, by commission under the Great Seal of England, (which he was to keep secret in reserve, till he found, either by the growth [or[1]] extraordinary practice of the Parliament in raising forces, that the commission of array was not enough,) his lieutenant-general of all the western parts of the kingdom, with power to levy such a body of horse and foot, as he found necessary for his majesty's service and the containing the people within the limits of their duty. With the marquis went the earl of Bath, (thought then to be of notable power and interest in Devonshire,) the lord Pawlett, the lord Seymour, sir Ralph Hopton, sir John Barkley, sir Hugh Pollard, and other very good officers, to form an army if it should be found expedient. And so much of the lustre of the Court being abated by the remove of so many persons of honour and quality, though it was spread farther by their necessary absence, the King began to think of increasing and forming his train into a more useful posture than it was yet, and, without any noise of raising an army, to make the scheme[2] of his first action to be the recovery of Hull (whither new forces were sent from London) by the natural forces and train-bands of that county; by colour whereof he hoped to have such resort,

1642 June 29. June 30. Aug. 2.

[1] ['and,' MS.]

[2] ['sceme,' MS.; hitherto printed, as in other cases, 'scene.']

1642 that he should need no other industry to raise such an army as should be sufficient to preserve himself from the violence which threatened his safety. And accordingly, that the people might fully understand his intentions, he summoned some of the train-bands to attend him at Beverley, (a town within four miles of
July 8. Hull,) whither he removed his Court; and published a proclamation, briefly containing the rebellion of sir John Hotham in holding that town by a garrison against him, his demanding justice from the two Houses without effect, the seizing his fleet at sea, and the hostile acts of sir John Hotham upon the inhabitants of that town, many of whom he turned out of their habitations, and upon the neighbour county, by imprisoning many, and driving others for fear from their houses: and therefore that he was resolved to reduce the same by force: inhibiting all commerce or traffic with the said town whilst it continued in rebellion.

July 11. 386. Which proclamation he likewise sent to both Houses of Parliament, with this further signification, that,

'before he would use force to reduce that place to its due obedience, he had thought fit once more to require them that it might be forthwith delivered to him; wherein if they should conform themselves, his majesty would be then willing to admit such addresses from them, and return such propositions to them, as might be proper to settle the peace of the kingdom and compose the present distractions. He wished them to do their duty, and to be assured from him, in the word of a king, that nothing should be wanting on his part that might prevent the calamities which threatened the nation, and might render his people truly happy; but if that his gracious invitation should be declined, God and all good men must judge between them.'

July 15. And assigned a day by which he would expect their answer at Beverley.

387. In the mean time, to encourage the good affections of Nottinghamshire, which seemed almost entirely to be devoted to his service, and to countenance and give some life to those in Lincolnshire, where, in contempt of his proclamations, the ordinance of the militia had been boldly executed by the lord Willoughby of Parham and some members of the House of Commons,
July 12 his majesty took a short progress to Newark, and, after a day's
-14, 15. stay, from thence to Lincoln, and so by the day appointed re-

turned to Beverley; having in both those places been attended with such an appearance of the gentlemen and men of quality, and so full a concourse of the people, as one might reasonably have guessed the affections of both those counties would have seconded any just and regular service for the King. 1642 July 16.

388. They at London were not less active; but, upon their success in the business of the navy, proceeded to make themselves strong enough, at least, to keep what they had; and therefore, having by their ordinance of the militia many voluntary companies formed of men according to their own hearts, and by their subscriptions being supplied with a good stock of money and a good number of horse, before the King's message from Beverley came to them, on the twelfth of July, (being the same day the message went from the King,) both Houses voted and declared, 'That an army should be forthwith raised for the safety of the King's person, defence of both Houses of Parliament and of those who had obeyed their orders and commands, and preserving of the true religion, the laws, liberty, and peace of the kingdom. That the earl of Essex should be their general, and that they would live and die with him.' And, having put themselves into this posture of treating, the same day they agreed that a petition should be framed, 'to move the King to a good accord with the Parliament, to prevent a civil war;' the which was purposely then consented to, that the people might believe the other talk of an army and a general was only to draw the King to the more reasonable concessions. And it is certain the first was consented to by many, especially of the House of Peers, in hope the better to compass the other, with a perfect horror of the thought of a war. Though the King's message came to them before their own was despatched, yet without the least notice taken of it, and lest the contents of their petition might be known before the arrival of their own messengers, the earl of Holland, sir John Holland, and sir Philip Stapleton, being the committee appointed for the same, made a speedy and quick journey to Beverley, and arrived in the same minute that the King came thither from Lincoln: so that his majesty no sooner heard of the raising an army and declaring a July 12. Saturday, July 16.

1642 general against him, but he was encountered with the messengers for peace; who reported to all whom they met, and with whom they conversed, 'that they had brought so absolute a submission from the Parliament to the King that there could be no doubt of a firm and happy peace:' and when the earl of Holland presented the petition, he first made a short speech to the King, telling him that 'the glorious motto of his blessed father, King James, was *Beati pacifici*, which he hoped his majesty would continue; that they presented him with the humble duty of his two Houses of Parliament, who desired nothing from him but his consent, and acceptance of peace, they aiming at nothing but his majesty's honour and happiness:' and then read their message aloud, in these words:

389. *To the King's most excellent majesty, the humble Petition of the Lords and Commons assembled in Parliament.*

'May it please your majesty,

'Although we, your majesty's most humble and faithful subjects, the Lords and Commons in Parliament assembled, have been very unhappy in many former petitions and supplications to your majesty, wherein we have represented our most dutiful affections, in advising and desiring those things which we held most necessary for the preservation of God's true religion, your majesty's safety and honour, and the peace of the kingdom: and with much sorrow do perceive that your majesty, incensed by many false calumnies and slanders, doth continue to raise forces against us and your other peaceable and loyal subjects, and to make great preparations for war, both in the kingdom and from beyond the seas, and by arms and violence to overrule the judgment and advice of your Great Council, and by force to determine the questions there depending, concerning the government and liberty of the kingdom: yet such is our earnest desire of discharging our duty to your majesty and the kingdom, to preserve the peace thereof, and to prevent the miseries of civil war amongst your subjects, that, notwithstanding we hold ourselves bound to use all the means and power which by the laws and constitutions of this kingdom we are trusted with, for defence and protection thereof, and of the subjects, from force and violence, we do in this our humble and loyal petition prostrate ourselves at your majesty's feet, beseeching your royal majesty that you will be pleased to forbear and remove all preparations and actions of war, particularly the forces from about Hull, from Newcastle, Tynmouth, Lincoln, and Lincolnshire, and all other places; and that your majesty will recall the commissions of array, which are illegal, dismiss troops and extraordinary guards by you raised: that your majesty will come nearer to your Parliament, and hearken to their faithful advice and humble petitions, which shall only tend to the defence and advancement of religion, your own royal honour and safety, the preservation of our laws and liberties.

And we have been, and ever shall be, careful to prevent and punish all tumults, and seditious actions, speeches, and writings, which may give your majesty just cause of distaste, or apprehension of danger. From which public aims and resolutions no sinister or private respect shall ever make us to decline. That your majesty will leave delinquents to the due course of justice; and that nothing done or spoken in Parliament, or by any person in pursuance of the command and direction of both Houses, be questioned any where but in Parliament. 1642

390. 'And we, for our parts, shall be ready to lay down all those preparations which we have been forced to make for our defence. And for the town of Hull, and the ordinance concerning the militia, as we have in both these particulars only sought the preservation of the peace of the kingdom, and the defence of the Parliament from force and violence, so we shall most willingly leave the town of Hull in the state it was before sir John Hotham drew any forces into it; delivering your majesty's magazine into the Tower of London, and supplying whatsoever hath been disposed by us for the service of the kingdom. We shall be ready to settle the militia by a bill, in such a way as shall be honourable and safe for your majesty, most agreeable to the duty of Parliament, and effectual for the good of the kingdom; that the strength thereof be not employed against itself, and that which ought to be for our security applied to our destruction; and that the Parliament, and those who profess and desire still to preserve the Protestant religion both in this realm and in Ireland, may not be left naked and indefensible to the mischievous designs and cruel attempts of those who are the professed and confederated enemies thereof in your majesty's dominions and other neighbour nations. To which if your majesty's courses and counsels shall from henceforth concur, we doubt not but we shall quickly make it appear to the world, by the most eminent effects of love and duty, that your majesty's personal safety, your royal honour and greatness, are much dearer to us than our own lives and fortunes, which we do most heartily dedicate, and shall most willingly employ, for the support and maintenance thereof.'

391. As soon as this petition was read by the earl of Holland, the King told them that

392. 'The reproaches cast upon him by it were not answerable to the expressions his lordship had made; and that he was sorry that they thought the exposing him and his honour to so much scandal was the way to procure or preserve the peace of the kingdom: that they should speedily receive his answer, by which the world would easily discern who desired peace most.'

393. And accordingly, the second day, his majesty delivered them in public his answer to their petition, which was likewise read by one of his servants, in these words: Tuesday, July 19[1].

[1] [*Lords' Journals*, v. 234.]

1342 394. *His majesty's answer to the Petition of the Lords and Commons assembled in Parliament.*

'Though his majesty had no great reason to believe that the directions sent to the earl of Warwick to go to the river of Humber with as many ships as he should think fit, for all possible assistance to sir John Hotham, (whilst his majesty expected the giving up of the town unto him,) and to carry away such arms from thence as his discretion thought fit to spare out of his majesty's own magazine; the choosing a general by both Houses of Parliament, for the defence of those who have obeyed their orders and commands, (be they never so extravagant and illegal;) their declaration that in that case they would live and die with the earl of Essex, their general; (all which were voted the same day with this petition;) and the committing the lord mayor of London to prison for executing his majesty's writs and lawful commands; were but ill prologues to a petition which might compose the miserable distractions of the kingdom; yet his majesty's passionate desire of the peace of the kingdom, together with the preface of the presenters, "That they had brought a petition full of duty and submission to his majesty, and which desired nothing of him but his consent to peace," (which his majesty conceived to be the language of both Houses too,) begot a greedy hope and expectation in him that this petition would have been such an introduction to peace, that it would at least have satisfied his message of the eleventh of this month, by delivering up Hull unto his majesty. But, to his unspeakable grief, his majesty hath too much cause to believe that the end of some persons by this petition is not in truth to give any real satisfaction to his majesty, but, by the specious pretences of making offers to him, to mislead and seduce his people, and lay some imputation upon him of denying what is fit to be granted; otherwise, it would not have thrown those unjust reproaches and scandals upon his majesty for making necessary and just defence for his own safety; and so peremptorily justified such action[s] against him as by no rule of law or justice can admit the least colour of defence: and, after so many free and unlimited acts of grace passed by his majesty without any condition, have proposed such things which in justice cannot be denied unto him, upon such conditions as in honour he cannot grant. However, that all the world may see how willing his majesty would be to embrace any overture that might beget a right understanding between him and his two Houses of Parliament, (with whom he is sure he shall have no contention when the private practices and subtle insinuations of some few malignant persons shall be discovered, which his majesty will take care shall be speedily done,) he hath with great care weighed the particulars of this petition, and returns this answer:

395. 'That the petitioners were never unhappy in their petitions or supplications to his majesty, while they desired anything which was necessary or convenient for the preservation of God's true religion, his majesty's safety and honour, and the peace of the kingdom: and therefore, when those general envious foundations are laid, his majesty could wish some particular instances had been applied. Let envy and malice object one particular proposition for the preservation of God's true religion which his majesty hath refused to consent to: what himself hath often made for the

ease of tender consciences, and for the advancement of the Protestant re- 1642
ligion, is notorious by many of his messages and declarations. What regard hath been to his honour and safety, when he hath been driven from some of his houses, and kept from other of his towns by force; and what care there hath been of the peace of the kingdom, when endeavour hath been used to put all his subjects in arms against him, is so evident, that his majesty is confident he cannot suffer by those general imputations. It is enough that the world knows what he hath granted and what he hath denied.

396. 'For his majesty's raising forces, and making preparations for war, (whatsoever the petitioners, by the evil arts of the enemies to his majesty's person and government, and by the calumnies and slanders raised against his majesty by them, are induced to believe,) all men may know what is done that way is but in order to his own defence. Let the petitioners remember, that (which all the world knows) his majesty was driven from his palace of Whitehall for safety of his life: that both Houses of Parliament, upon their own authority, raised a guard to themselves, (having gotten the command of all the train-bands of London to that purpose,) without the least colour or shadow of danger: that they usurped a power by their pretended ordinance, (against all principles and elements of law,) over the whole militia of the kingdom, without and against his majesty's consent; that they took possession of his town, fort, and magazine of Hull, and committed the same to sir John Hotham, who shut the gates against his majesty, and by force of arms denied entrance thither to his own person: that they justified this act which they had not directed, and took sir John Hotham into their protection for whatsoever he had done, or should do, against his majesty: and [all] this, whilst his majesty had no other attendance than his own menial servants. Upon this, the duty and affection of this county prompted his subjects here to provide a small guard for his own person; which was no sooner done, but a vote suddenly passed of his majesty's intention to levy war against his Parliament, (which, God knows, his heart abhorreth;) and, notwithstanding all his majesty's professions, declarations, and protestations to the contrary, seconded by the clear testimony of so great a number of peers upon the place, propositions and orders for levies of men, horse, and arms, were sent throughout the kingdom; plate and money brought in and received; horse and men raised towards an army, mustered, and under command: and all this contrary to the law, and to his majesty's proclamation: and a declaration published, That if he should use force for the recovery of Hull, or suppressing the pretended ordinance for the militia, it should be held levying war against the Parliament: and all this done, before his majesty granted any commission for the levying or raising a man. His majesty's ships were taken from him, and committed to the custody of the earl of Warwick; who presumes, under that power, to usurp to himself the sovereignty of the sea, to chase, fright, and imprison such of his majesty's good subjects as desire to obey his lawful commands, although he had notice of the legal revocation of the earl of Northumberland's commission of Admiral, whereby all power derived from that commission ceased.

397. 'Let all the world now judge who began this war, and upon whose account the miseries which may follow must be cast; what his majesty

1642 could have done less than he hath done; and whether he were not compelled to make provision both for the defence of himself and recovery of what is so violently and injuriously taken from him; and whether these injuries and indignities are not just grounds for his majesty's fears and apprehensions of further mischief and danger to him. Whence the fears and jealousies of the petitioners have proceeded, hath never been discovered; the dangers they have brought upon his subjects are too evident; what those are they have prevented, no man knows. And therefore his majesty cannot but look upon that charge as the boldest and the most scandalous hath been yet laid upon him; That this necessary provision, made for his own safety and defence, is to overrule the judgment and advice of his Great Council, and by force to determine the questions there depending concerning the government and liberty of the kingdom. If no other force had been raised to determine those questions than by his majesty, this unhappy misunderstanding had not been: and his majesty no longer desires the blessing and protection of Almighty God upon himself and his posterity, than he and they shall solemnly observe the due execution of the laws in the defence of Parliaments and the just freedom thereof.

398. 'For the forces about Hull, his majesty will remove [them,] when he hath obtained the end for which they were brought thither. When Hull shall be reduced again to his subjection, he will no longer have an army before it. And when he shall be assured, that the same necessity and pretence of public good which took Hull from him may not put a garrison into Newcastle to keep the same against him, he will remove his from thence, and from Tinmouth; till when, the example of Hull will not out of his memory.

399. 'For the commissions of array, which are legal, and are so proved by a Declaration now in the press, his majesty wonders why they should at this time be thought grievous, and fit to be recalled: if the fears of invasion and rebellion be so great that by an illegal pretended ordinance it is necessary to put his subjects into a posture of defence, to array, train, and muster them, he knows not why the same should not be done in a regular, known, lawful way. But if in the execution of that commission any thing shall be unlawfully imposed upon his good subjects, his majesty will take all just and necessary care for their redress.

400. 'For his majesty's coming nearer to his Parliament, his majesty hath expressed himself so fully in his several messages, answers, and declarations, and so particularly avowed a real fear of his safety, upon such instances as cannot be answered, that he hath reason to take himself somewhat neglected, that, since upon so manifest reasons it is not safe for his majesty to come to them, both his Houses of Parliament will not come nearer to his majesty, or to such a place where the freedom and dignity of Parliament might be preserved. However, his majesty shall be very glad to hear of some such example in their punishing the tumults (which he knows not how to expect, when they have declared that they knew not of any tumults; though the House of Peers desired, both for the freedom and dignity of Parliament, that the House of Commons would join with them in a declaration against tumults, which they refused, that is, neglected, to

do) and other seditious actions, speeches, and writings, as may take that apprehension of danger from him; though, when he remembers the particular complaints himself hath made of businesses of that nature, and that, instead of inquiring out the authors, neglect of examination hath been when offer hath been made to both Houses to produce the authors, (as in that treasonable paper concerning the militia[1],) and when he sees every day pamphlets published against his crown, and against monarchy itself, (as the '*Observations upon his late messages, declarations, and expresses*[2], and some Declarations of their own, which give too great encouragement in that argument to ill affected persons;) his majesty cannot with confidence entertain those hopes which would be most welcome to him. 1642

401. 'For the leaving delinquents to the due course of justice, his majesty is most assured he hath been no shelter to any such. If the tediousness and delay in prosecution, the vast charge in officers' fees, the keeping men under a general accusation, without trial, a whole year and more, and so allowing them no way for their defence and vindication, have frighted men away from so chargeable and uncertain attendance, the remedy is best provided where the disease grew. If the law be the measure of delinquency, none such are within his majesty's protection: but if by delinquents, such are understood who are made so by vote, without any trespass upon any known or established law: if by delinquents, those nine lords are understood who are made delinquents for obeying his majesty's summons to come to him, after their stay there was neither safe nor honourable, by reason of the tumults and other violences, and whose impeachment, he is confident, is the greatest breach of privilege that before this Parliament was ever offered to the House of Peers: if by delinquents, such are understood who refuse to submit to the pretended ordinance of the militia, to that of the navy, or to any other which his majesty hath not consented to; such who for the peace of the kingdom, in an humble manner, prepare petitions to him, or to both Houses, as his good subjects of London and Kent did, whilst seditious ones, as that of Essex and other places, are allowed and cherished: if by delinquents, such are understood who are called so for publishing his proclamations, (as the lord mayor of London,) or for reading his messages and declarations, (as divers ministers about London and elsewhere,) when those against him are dispersed with all care and industry, to poison and corrupt the loyalty and affection of his people: if by delinquents, such are understood who have or shall lend his majesty money, in the universities, or in any other places; his majesty declares to all the world, that he will protect such with his utmost power and strength, and directs that in these cases they submit not to any messengers or warrants; it being no less his duty to protect those who are innocent than to bring the guilty to condign punishment; of both which the law is to be judge. And if both Houses do think fit to make a general,

[1] ['*A question answered: How laws are to be understood and obedience yielded? necessary for the present state of things, touching the militia.*' Of this paper (which is reprinted in Rushworth, III, i. 532) the King complained to the House of Commons on Apr. 22.]

[2] ['*Observations on some of his majestie's late answers and expresses*': published anonymously, but written by Henry Parker, of Lincoln's Inn.]

1642 and to raise an army for defence of those who obey their orders and commands, his majesty must not sit still, and suffer such who submit to his just power, and are solicitous for the laws of the land, to perish and be undone because they are called delinquents. And when they shall take upon them to dispense with the attendance of those who are called by his majesty's writ, whilst they send them to sea to rob his majesty of his ships, or into the several counties to put his subjects in arms against him, his majesty (who only hath it) will not lose the power to dispense with them to attend his own person, or to execute such offices as are necessary for the preservation of himself and the kingdom; but must protect them, though they are called delinquents.

402. 'For the manner of the proceeding against delinquents, his majesty will proceed against those who have no privilege of Parliament, or in such cases where no privilege is to be allowed, as he shall be advised by his learned counsel, and according to the known and unquestionable rules of the law; it being unreasonable that he should be compelled to proceed against those who have violated the known and undoubted law only before them who have directed such violation.

403. 'Having said thus much to the particulars of the petition, though his majesty hath reason to complain that, since the sending this petition, they have beaten their drums for soldiers against him, armed their own general with a power destructive to the law and liberty of the subjects, and chosen a general of their horse; his majesty, out of his princely love, tenderness, and compassion of his people, and desire to preserve the peace of the kingdom, that the whole force and strength of it may be united for the defence of itself, and the relief of Ireland, (in whose behalf he conjures both his Houses of Parliament, as they will answer the contrary to Almighty God, his majesty, to those that trust them, and to that bleeding, miserable kingdom, that they suffer not any moneys granted and collected by Act of Parliament to be delivered or employed against his majesty, whilst his soldiers in that kingdom are ready to mutiny, or perish for want of pay, and the barbarous rebels prevail by that encouragement,) is graciously pleased once more to propose and require—

404. 'That his town of Hull be immediately delivered up to him; which being done, (though his majesty hath been provoked by unheard of insolences of sir John Hotham's, since his burning and drowning the country; in seizing his wine and other provisions for his house, and scornfully using his servant whom he sent to require them, saying, "It came to him by Providence, and he will keep it[1]," and so refusing to deliver it, with threats if he, or any other of his fellow-servants, should again repair to Hull about it; and in taking, and detaining prisoners, divers gentlemen and others, in their passage over the Humber into Lincolnshire about their necessary occasions; and such other indignities as all gentlemen must resent in his majesty's behalf,) his majesty, to show his earnest desire of peace, (for which he will dispense with his own honour,) and how far he is from desire of revenge, will grant a free and general pardon to all persons within that town.

[1] [This appears to be jestingly said by Hotham in allusion to the name of the ship, the *Providence*. See Rushworth, III, i. 602.]

405. 'That his majesty's magazine taken from Hull be forthwith put into such hands as he shall appoint. 1642

406. 'That his navy be forthwith delivered into such hands as he hath directed for the government thereof: the detaining thereof after his majesty's directions, published and received, to the contrary, and employing his ships against him in such manner as they are now used, being notorious high treason in the commanders of those ships.

407. 'That all arms, levies, and provisions for a war, made by the consent of both Houses, (by whose example his majesty hath been forced to make some preparations,) be immediately laid down; and the pretended ordinance for the militia, and all power of imposing laws upon the subject without his majesty's consent, be disavowed; without which, the same pretence will remain to produce the same mischiefs. All which his majesty may as lawfully demand as to live, and can with no more justice be denied him than his life may be taken from him.

408. 'These being done, and the Parliament adjourned to a safe and secure place, his majesty promises, in the presence of God, and binds himself by all his confidence and assurance in the affection of his people, that he will instantly and most cheerfully lay down all the force he shall have raised, and discharge all his future and intended levies, that there may be a general face of peace over the whole kingdom; and will repair to them: and desires that all differences may be freely debated in a parliamentary way; whereby the law may recover its due reverence, the subject his just liberty, and parliaments themselves their full vigour and estimation: and so the whole kingdom a blessed peace, quiet, and prosperity.

409. 'If these propositions shall be rejected, his majesty doubts not of the protection and assistance of Almighty God, and the ready concurrence of his good subjects; who can have no hope left them of enjoying their own long, if their king may be oppressed and spoiled, and must be remediless. And though his towns, his ships, his arms, and his money, be gotten and taken from him, he hath a good cause left, and the hearts of his people; which, with God's blessing, he doubts not will recover all the rest.

410. 'Lastly, if the preservation of the Protestant religion, the defence of the liberty and law of the kingdom, the dignity and freedom of Parliament, and the recovery and the relief of bleeding and miserable Ireland, be equally precious to the petitioners as they are to his majesty, (who will have no quarrel but in defence of these,) there will be a cheerful and speedy consent to what his majesty hath now proposed and desired. And of this his majesty expects a full and positive answer by Wednesday the seven and twentieth of this instant July; till when he shall not make any attempt of force upon Hull, hoping in the affection, duty, and loyalty of the petitioners: and, in the mean time, expects that no supply of men be put into Hull, or any of his majesty's goods taken from thence.'

411. The whole Court, upon the hearing that petition from the two Houses read, expressed a marvellous indignation at the intolerable indignities offered to the King by it, and seemed no better satisfied with the messengers who had professed that they

1642 brought an absolute submission to his majesty, when, in truth, what they brought appeared to be a full justification of whatsoever they had done before, and an implied threat of doing worse, and a fixing all the scandals upon his majesty which they had scattered abroad before: insomuch as all men expected and believed his majesty to be engaged, for the vindication of his princely dignity and honour, to return a much sharper answer to them than he had ever sent. So that, when this which is before set down (and which had before been consented to and approved in the full assembly of the Peers and Councillors) was read publicly, it was generally thought that the King had not enough resented the insolence and usurpation of the Parliament, or appeared sensible enough of their provocations: yet the thought of a war, which wise men saw actually levied upon the King already, was so much abhorred, and men were so credulous of every expedient which was pretended for peace, that by the next morning (the answer being delivered in the evening) these active messengers for the Parliament persuaded many that the King's answer was too sharp, and would provoke the Houses, who were naturally passionate, to proceed in the high ways they were in; whereas, if the King would abate that severity of language, and would yet take off the preamble of his answer, they were confident, (and the earl of Holland privately offered to undertake,) that satisfaction should be given to all that his majesty proposed. And by this means some were so far wrought upon as they earnestly importuned the King that he would take his answer, which he had publicly delivered the night before, from the messengers, and, instead thereof, return the same matter of his own propositions only, in the most soft and gentle language, without the preamble, or any mention of their unjustifiable and unreasonable demeanour towards him.

412. But his majesty replied,

'That he had for a long time, even after great provocations, and their first general Remonstrance to the people, treated with all imaginable compliance and lenity of words with them; and discovered their unjustifiable and most extravagant proceedings with and against him, and the conse-

quences that would inevitably attend their progress in them, with such 1642
tender expressions as if he believed whatever was amiss to proceed from misinformation only and unskilful mistakes: that this gentleness and regard of his was so far from operating upon them, that their insolence and irregularities increased; and it might be from that reason their[1] messages and declarations were written in so high a dialect, and with that sovereignty of language as if he were subject to their jurisdiction; and he did not know but it might have some influence upon his people to his disadvantage, that is, raise terror towards them and lessen their reverence towards his majesty, when all their petitions and propositions were more imperative than his just and necessary refusals: which condescension his majesty had brought himself to, in hope that his example and [their] natural shame would have reformed that new license of words. That this last address, under the name of a petition, a few days after they had violently ravished his whole fleet from him, and prepared the same day that they had chosen a general, to whom they had sworn allegiance, to lead an army against him, contained a peremptory justification of whatsoever they had done, and as peremptory a threatening of whatsoever they could do: and therefore, if he should now retract his answer, which had been solemnly considered in Council, before all the Peers, and which in truth implied rather a princely resentment of the indignities offered to him than flowed with any sharp or bitter expressions, he should by such yielding give encouragement to new attempts, and could not but much discourage those upon whose affections and loyalty he was principally to depend; who could not think it safe to raise themselves to an indignation on his behalf, when he expressed so tender or so little sense of his own sufferings. Besides, that he was then upon an avowed hostile enterprise for the reduction of Hull, towards which he was to use all possible means to draw a force together equal to that design; and by such a retractation as this proposed, and a seeming declension of his spirit, and depending upon their good natures who had done all this mischieve, he should not only be inevitably disappointed of the resort of new strength, but probably deserted by those few whom he had brought together. That he could not reasonably or excusably depend upon the undertaking of the earl of Holland, who had so grossly deceived him in other undertakings, which were immediately in his own power to have performed: whereas neither he, or either of the other two gentlemen who were joined with him in this employment, had so much interest with the active and prevailing party as to know more of their intentions than was at present necessary to be discovered for their concurrence.'

413. He said that 'he had never yet consented to any one particular since the beginning of this Parliament by which he had received prejudice, at the doing whereof he had not the solemn undertakings and promises of those who were much abler to justify their undertakings than the earl of Holland, and upon whom he only depended, that it should be no disservice to him, and would be an infallible means to compass all that his majesty reasonably desired: but he always had found those promisers and undertakers, though they could eminently carry on any counsel or conclusion

[1] ['and their,' MS.]

1642 that was against law, justice, or his right, had never power to reduce or restrain those agitations within any bounds of sobriety and moderation: and when they found that many would not be guided by them, that they might seem still to lead, themselves as furiously followed the other, and resorted again to his majesty with some new expedient, as destructive as the former. So that he was henceforward resolved to rely upon God Almighty; and not so much to depend upon what might possibly prevail upon the affections of those from whom, reasonably, he could not expect any good, as upon such plain and avowed courses as, let the success be what it would, must, to all judging men, appear to be prudently and honourably to be relied on.' And therefore he positively refused to make the least alteration in his answer.

414. And so the messengers departed, leaving the Court and country worse affected than they found it, and branding some particular persons, whom they found less inclined to be ruled by their professions and promises, as the 'authors of a civil war,' and making them as odious as they could, wherever they came.

415. And sure, from that time, the earl of Holland was more transported from his natural temper and gentleness of disposition into passion and animosity against the King and his ministers; and, having been nothing pleased with his own condition at London, finding the earl of Essex (whom he did not secretly love, and indeed contemned) to draw all men's eyes towards him, and to have the greatest interest in their hearts, he had seriously intended, under colour of this message to the King, to discover if there were any sparks yet left in his royal breast which might be kindled into affection, or acceptation of his service; and hoped, if he could get any credit, to redeem his former trespasses: but when he found his majesty not only cold towards him, but easily enough discerned by his reception that all former inclinations were dead, and more than ordinary prejudices grown up towards him in their places, and that his advices were rejected, he returned with rancour equal to the most furious he went to, and heartily joined and concurred towards the suppressing that power in the administration whereof he was not like to bear any part.

416. His majesty having by his answer obliged himself not to make any forcible attempt upon Hull till the 27th of July, by which time he might reasonably expect an answer to his

propositions, in the mean time resolved to make some short progress into the neighbour counties; and accordingly, the same day the messengers departed, the King went to Doncaster, and the next day to Nottingham, and so to Leicester; where he heard the earl of Stamford and some other parliament men were executing the ordinance of the militia: but, before his majesty came thither, they removed themselves to Northampton, a town so true to them, as, if they had been pursued, would have shut their gates against the King himself as Hull had done. 1642 July 20. July 21.

417. At Leicester the King was received with great expressions of duty and loyalty, by the appearance of the train-bands, and full acclamations of the people; yet there were two accidents that happened there, which, if they be at all remembered, will manifest that, if the King were loved there as he ought to be, the[1] Parliament was more feared than he. It happened to be at the time of the general assizes, and justice Reeve (a man of a good reputation for learning and integrity, and who in good times would have been a good judge) sat there as judge; and Mr. Henry Hastings, younger son to the earl of Huntington, was purposely made high shrieve, to contain the county within the limits of their duty by the power of that office, as well as by the interest and relation of his family. The earl of Stamford and his assistants had departed the town but few hours before his majesty's entrance, and had left their magazine (which was indeed the magazine of the county,) in a little storehouse at the end of the town, guarded by some inferior officers, whom they had brought down to train and exercise the militia, and other zealous and devoted men of the country, in all to the number of about twenty-five, who had barricadoed the door of the house, and professed to keep it against all demanders, having provisions within it of all sorts. The King was very unwilling (coming in so peaceable a manner, at so peaceable a time) to take any notice of it. On the other hand, it was an act of too great insolence to be suffered, and, upon the matter, to leave a garrison of the rebels in possession of the town; and therefore July 22.

[1] ['that the,' MS.]

1642 he sent word to the judge that if he took not some legal way to remove such a force so near his majesty, his majesty would do it in an extraordinary course; which, upon the sudden, would have puzzled him to have done, having neither soldier, cannon, or powder to effect it; the want of which as much troubled the shrief. In the end, the gentlemen of the country, who had not yet otherwise declared themselves on either side than by waiting on his majesty, finding that the King would not go from the town till that nuisance was removed, and that it might bring inconveniences, charge, and mischieve to the county of a high nature, so prevailed, that, as his majesty was contented to take
July 24. no notice of it, so they within the house, in the night, upon assurance of safety and liberty to go whither they would, removed and left the house; and so that matter was quieted.

418. The other [accident] was, or was like to have proved, more ridiculous. Some of the King's servants, hearing that the earl of Stamford and the other militia men were newly gone out of the town, had of themselves, coming thither before the King, galloped after them, intending to have apprehended them and brought them before the King; and, though the other were too fleet for them, had in the way overtaken Dr. Bastwicke, a man well known, who had been a principal officer with them at Leicester, and fled at the same time, but could not keep pace with his commanders: him they brought to the town, where by the shrief he was committed to prison, having confessed enough treason, and justifying it, as would have justly hanged any subject. The King thought once to have had him indicted then at the assizes, upon the plain statute of 25 Edw. III. But the judge besought his majesty not to put a matter of so great moment, upon which the power of the two Houses of Parliament, and a Parliament sitting, must be determined, before one single judge, whose reputation was not enough to bear so great a burden: however, he declared his own opinion fully to his majesty, that it was treason; which he believed all the other judges must acknowledge; and, being convened together by his majesty to that purpose, he thought a joint declaration and resolution of all together might be of great use to the King. whereas

the publishing of his particular opinion could only destroy him- 1642
self, and nothing advance his majesty's service: besides, he had no reason to be so confident of the country, as to conclude that a jury then suddenly summoned would have the courage to find the bill; and then their not doing it, if it were attempted, would prove a greater countenance to the ordinance than the vote of the two Houses had yet given it. This last reason gave his majesty greater satisfaction; so that he was contented that the fellow should be kept in prison, and the trial be deferred till he could conveniently summon more judges to be present.

419. His majesty was no sooner persuaded to be content that this prosecution might be suspended, but the close agents for the Parliament's service, (who were not yet discovered but appeared very entire to the King,) so dexterously carried themselves that they prevailed with those gentlemen of the country whose zeal to his majesty was most eminent and unquestionable, and even with the judge himself, to wish, that 'his majesty would freely and graciously discharge the doctor of his imprisonment, or give the judge leave to do so upon a *habeas corpus*, which he was advised to require: and that it would be such an act of mercy and singular justice [as[1]] would not only work upon the people of that county to his majesty's advantage, but must have a great influence upon the whole kingdom, and even upon the Parliament itself.' And with this strange desire the good judge and those principal gentlemen confidently came to the King, the night before he intended to return northward. His majesty told them he would think of it till the next morning; and, in the mean time, concluding by what he heard that, though he should refuse to discharge him or to consent that he should be discharged, his restraint would not be long in that place after his departure, the people already resorting to him with great license, and the doctor, according to his nature, talking seditiously and loudly, he directed a messenger of the chamber very early, with such assistance as the shrieve should give him, to carry him away to Nottingham, and, by the help

[1] ['that,' MS.]

1642 of that shrieve to the gaol at York[1]: which was executed accordingly with expedition and secrecy; if either of which had been absent, it is certain the common people had rescued him; which, of how trivial moment soever it shall be thought, I could not but mention as an instance of the spirit and temper of that time, and the great disadvantage the King was upon, that so many very good men thought fit, at a time when very many hundreds of persons of honour and quality were imprisoned with all strictness and severity by the Parliament upon the bare suspicion that they meant to go to the King, or that they wished well to him, or for not submitting to some illegal order or command of theirs, that the King should discharge an infamous person taken in an act of high treason, and who more frankly and avowedly professed sedition than he did the science of which he pretended to be doctor.

420. The King according to his appointment returned to-[wards] Hull, in expectation of an answer from the Parliament;
July 28. which came two days after the appointed day, but with no solemnity of messengers, or other ceremony than inclosed to one of the secretaries to be presented to the King[2]; in which they told him that,

421. 'They could not, for the present, with the discharge of the trust reposed in them for the safety of the King and kingdom, yield to those demands of his majesty. The reason why they took into their custody the town of Hull, the magazine, and navy, passed the ordinance of the militia, and made preparation of arms, was for security of religion, the safety of his majesty's person, of the kingdom, and Parliament; all which they did see in evident and eminent danger; from which when they should be secured, and that the forces of the kingdom should not be used to the destruction thereof, they should then be ready to withdraw the garrison out of Hull, to deliver the magazine and navy, and settle the militia by bill, in such a way as should be honourable and safe for his majesty, most agreeable to the duty of Parliament, and effectual for the good of the kingdom; as they had professed in their late petition. And for adjourning the Parliament, they apprehended no reason for his majesty to require it, nor security for themselves to consent to it. And as for that reason which his majesty was pleased to express, they doubted not but the usual place would be as safe for his royal person as any other; considering the full assurance they had

[1] [From York he was subsequently removed to Knaresborough, where he was still a prisoner in Oct. 1644.]

[2] [The answer, dated July 26, was delivered at Beverley on July 28 by Rushworth. *Cal. Clar. S. P.* I. 233.]

of the loyalty and fidelity of the city of London to his majesty, and the care which his parliament would ever have to prevent any danger which his majesty might justly apprehend; besides the manifold conveniences to be had there, beyond other parts of the kingdom. And as for the laying down of arms; when the causes which moved them to provide for the defence of his majesty, the kingdom, and Parliament, should be taken away, they should very willingly and cheerfully forbear any farther preparations, and lay down their force already raised.' 1642

422. Which replication, as they called it, to his majesty's answer, they ordered to be printed, and 'read in all churches and chapels within the kingdom of England and dominion of Wales.' July 28.

423. And so the war was now denounced by their express words against his majesty, as it had been long before in their actions; and both parties seemed to give over all thoughts of farther treaties and overtures; and each prepared to make himself considerable by the strength and power of such forces as they could draw together.

424. In London they intended nothing but the forming of their army, and such other things of power as [were [1]] in order thereunto. To that purpose, the bill for the payment of tunnage and poundage being expired on the first day of July, and they having sent another of the same nature to the King for his consent, for six months longer, his majesty, since he saw that, and all other money properly belonging to him, violently taken from him and employed by them against him, refused to give his royal assent thereunto[2]: whereupon, without the least hesitation, (albeit it had been enacted this very Parliament, that whosoever should presume to pay or receive[3] that duty after the expiration of the Act, before the same was regranted by his majesty with the consent of the Lords and Commons[4], should be in a *præmunire*, which is the heaviest punishment inflicted by

[1] ['was,' MS.]

[2] [The Earl of Holland reported to the House of Lords on July 23 that the King when he replied at Beverley on July 19 to the petition from both Houses, 'gave no answer' concerning the bills for tonnage and poundage, pluralities, and the calling an Assembly of Divines. *Lords' Journals*, V. 211, 234.]

[3] ['take or receive' are the words in the several Acts passed in 1641 and 1642 for tonnage and poundage.]

[4] ['except the same by grant in Parliament be due' are the words in the several Acts.]

1642 law, but the loss of life,) they appointed and ordered by the
Aug. 1. power of the two Houses, (which they called an ordinance of Parliament,) that the same duty should be continued, and declared that they would save all persons concerned from any penalty or punishment whatsoever: by which they now became possessed of the customs in their own right.

425. Towards such as any ways (though under the obligation of oaths or offices) opposed or discountenanced what they went about, they proceeded with the most extravagant severity that had been ever heard of; of which I shall only mention two instances. The first, of the lord mayor of London, sir Richard Gurny, a citizen of great wealth, reputation, and integrity; whom the Lords had, upon the complaint of the House of Commons, before their sending the last petition to the King, (of which his majesty gave them a touch in his answer,) committed
July 11. to the Tower of London, for causing the King's proclamation against the militia, by virtue of his majesty's writ to him directed and according to the known duty of his place, to be publicly proclaimed. And shortly after, that they might have a man more compliant with their designs to govern the city, notwithstanding that he insisted upon his innocence, [and] made it appear that he was obliged by the laws of the land, the customs of the city, and the constitution of his office and his oath, to do whatsoever he had done, he was by their lordships, in the
Aug. 12. presence of the Commons, adjudged to be put out of his office of lord mayor of London; to be utterly incapable of bearing office in city or kingdom; incapable of all honour or dignity; and to be imprisoned during the pleasure of the two Houses of Parliament. And, upon this sentence, alderman Pennington (so often before mentioned,) was, by the voice and clamour of the common people, against the customs and rules of election, made mayor and accordingly installed; and the true, old, worthy mayor committed to the Tower of London, where with notable courage and constancy he continued almost to his death[1].

[1] [The last two lines originally stood thus in the MS.: 'where he hath with notable courage and constancy continued to this present.' This part of the MS. was written in June, 1647, and Sir R. Gurney died Oct. 6, 1647.]

426. The other instance I think fit to mention is that of judge Mallett, who, as is before remembered [1], was committed to the Tower the last Lent, for having seen a petition prepared by the grand jury of Kent, for the countenance of the Book of Common Prayer, and against the imposition of the militia by ordinance without the royal assent. This judge (being this summer circuit again judge of assize for those counties) sitting at Maidstone upon the great assize, some members of the House of Commons, under the style and title of a committee of Parliament [2], came to the bench; and, producing some votes and orders and declarations of one or both Houses, required him, in the name of the Parliament, to cause those papers (being on the behalf of the ordinance of the militia, and against the commission of array) to be read. He told them that 'he sat there by virtue of his majesty's commissions, and that he was authorized to do any thing comprised in those commissions; but he had no authority to do any thing else; and therefore, there being no mention in either of his commissions of those papers, or the publishing any thing of that nature, he could not, nor would, do it;' and so, finding less respect and submission than they expected both to their persons and their business from the learned judge, and that the whole county, at least the prime gentlemen and the grand jury, (which [re]presented the county,) contemned both much more, this committee returned to the House with great exclamations against Mr. justice Mallett, as the fomenter and protector of a malignant faction against the Parliament. And upon this charge a troop of horse was sent to attend an officer, who came with a warrant from the Houses, or some committee, (whereas justice Mallett, being an assistant of the House of Peers, could not regularly be summoned by any other authority,) to Kingston in Surrey, where the judge was keeping the general assizes for that county; and, to the unspeakable dishonour of the public justice of the kingdom, and the scandal of all ministers or lovers of justice, in that violent manner took the judge from the bench, and carried him prisoner to Westminster; from whence by the two Houses he was com- 1642 Aug. 4. Aug. 6.

[1] [See § 52.]

[2] [Appointed by vote of July 22.]

1642 mitted to the Tower of London, where he remained for the space of above two years, without ever being charged with any particular crime, till he was redeemed by his majesty by the exchange of another, whose liberty they desired [1].

427. By these heightened acts of power and terror they quickly demonstrated how unsecure it would be for any man at least not to concur with them. And, having a general, arms, money, and men enough at their devotion, they easily formed an army, publicly disposing such troops and regiments as had been July 30. raised for Ireland, and at one time one hundred thousand pound[s] of that money which by Act of Parliament had been paid for that purpose, towards the constituting that army which was to be led against their lawful sovereign. So that it was very evident they would be in such an equipage within few weeks, both with a train of artillery, horse, and foot, all taken, armed, furnished, and supplied out of his majesty's own magazines and stores, that they had not reason to fear any opposition. In the mean time, they declared, and published to the people, that

428 [2]. They raised that army only for the defence of the Parliament, the King's person, and the religion, liberty, and laws of the kingdom, and of those who, for their sakes and for those ends, had obeyed their orders: that the King, by the instigation of evil counsellors, had raised a great army of Papists, by which he intended to awe and destroy the Parliament, to introduce Popery and tyranny: of which intention, they said, his requiring Hull, his sending out commissions of array, his bespeaking arms and ammunition beyond the seas, (there having been some brought to him by the ship called Providence;) his declaring sir John Hotham traitor, and the putting out the earl of Northumberland from being Lord High Admiral of England, his removing the earls of Pembroke, Essex, Holland, the lord Feilding, and sir H. Vane, from their several places and employments, were sufficient and ample evidences: and therefore they conjured all men to assist their general, the earl of Essex.

429. And for their better and more secret transaction of all such counsels as were necessary to be entered upon or followed, Sept. 22. they chose a committee of some choice members of either House, to intend the great business of the kingdom with reference to the army; who had authority, without so much as communi-

[1] [Exchanged 'for Mr. Michell and his son, and Capt. Halling,' July 22, 1644. *Commons' Journals*, III. 567.]

[2] [This paragraph represents the substance of two declarations which passed the House of Lords on July 11 and Aug. 2 respectively.]

cating their matter to the House, to imprison persons, seize upon estates, and many other particulars, which the two Houses, in full Parliament, had not the least regular, legal, justifiable authority to do. And for the better encouragement of men to engage in the service, the lord Kimbolton, and the five members of the House of Commons formerly accused by his majesty of high treason, upon solemn debate, had several regiments conferred on them; and, by their example, many other members of both Houses, some upon their lowness and decayedness of their fortunes, others to get name and reputation to be in the number of reformers, (amongst whom they doubted not all places of honour, or offices of profit, would be bestowed,) most upon the confidence that all would be ended without a blow by the King's want of power to gather strength, desired and obtained command of horse or foot; their quality making amends for their want of experience, and their other defects, which were repaired by many good officers, both English and Scotch; the late troubles having brought many of that tribe to London, and the reputation of the earl of Essex having drawn others out of the Low Countries to engage in that service. In the choice of whom, whilst they accused the King of a purpose to bring in foreign force, and of entertaining Papists, they neither considered nation or religion, but entertained all strangers and foreigners, of what religion soever, who desired to run their fortune in war. 1642

430. On the other side, preparations were not made with equal expedition and success by the King towards a war: for, though he well understood and discerned that he had nothing else to trust to, he was to encounter strange difficulties to do that. He was so far from having money to levy or pay soldiers that he was at this very time compelled, for very real want, to let fall all the tables kept by his officers of state in Court, by which so many of all qualities subsisted; and the prince and duke of York eat with his majesty; which only table was kept. And whoever knows the constitution of a Court, well knows what indispositions naturally flow from those declensions, and how ill those tempers bear any diminutions of their own interest,

1642 and, being once indisposed themselves, how easily they infect others. And that which made the present want of money the more intolerable, there was no visible hope from whence supply could come in any reasonable time: and that which was a greater want than money, which men rather feared than found, there were no arms; for, notwithstanding the fame of the great store of ammunition brought in by that ship, it consisted only in truth of cannon, powder, and bullet, with eight hundred muskets, which was all the King's magazine. So that the hastening of levies, which at that time was believed would not prove difficult, would be to little purpose, when they should continue unarmed. But that which troubled the King more than all these real incapacities of making war, was the temper and constitution of his own party; which was compounded, for the most part, in Court, Council, and country, of men drawn to him by the impulsion of conscience, and abhorring the unjust and irregular proceedings of Parliament; otherwise, unexperienced in action, and unacquainted with the mysteries and necessary policy of government, severe observers of the law, and as scrupulous in all matters of relation as the other pretended to be: all his majesty's ancient counsellors and servants, (except some few of lasting honour, whom we shall have occasion often to mention,) being, to redeem former oversights, or for other unworthy designs, either publicly against him in London, or privately discrediting his interests and actions in his own Court. These men still urged the execution of the law; that what extravagances soever the Parliament practised, the King's observation of the law would, in the end, suppress them all: and, indeed, believed the raising a war to be so wicked a thing that they thought it impossible the Parliament should intend it, even when they knew what they were doing; however, concluded that he that was forwardest in the preparing an army would be first odious to the people; by the affections of whom the other would be easily suppressed.

431. This was the general, received doctrine; and though it appeared plainly to others, (of equal affection to the public peace,) how fatal those conclusions, in that sense in which they

were urged, must prove to the whole kingdom, and how soon 1642
the King must be irrecoverably lost if he proceeded not more vigorously in his defence, yet even those men durst not in any formed and public debate declare themselves, or speak that plain English the state of affairs required, but satisfied themselves with speaking what they thought necessary to the King in private; so that by this means the King wanted those firm and solid foundations of counsel and foresight as were most necessary for his condition: so that he could neither impart the true motives and grounds of any important action, nor discover the utmost of his designs. And so he still pretended, (notwithstanding the greatest and avowed preparations of the enemy) to intend nothing of hostility but in order to the reducing of Hull; the benefit of which he hoped would engage the train-bands of that great county, (which was the sole strength he yet drew thither,) till he could bring other forces thither which might be fit for that or any other design.

432. But there was another reason of his majesty's going to and staying at Beverley than was understood, and it may be if it had been known might have produced a better effect; which I think necessary to insert in this place[1]. The lord Digby,

[1] [The following account of the occurrences narrated above in §§ 432–433 is given in the *Life*, pp. 173–6:—

1. 'There was at the same time another accident which fell out, that hastened the war sooner than was intended, and made it to be entered upon before there was any means ready to prosecute it. It is mentioned before, that, after the accusing the six members of Parliament, the lord Digby had transported himself into the parts beyond the seas, and was accused of high treason. He was of too active a spirit to be long quiet in any condition; and so, being in Holland when the King came to York, without advising with any of his friends, or knowing the King's pleasure in the point, he returned into England, and came thither. He passed as a Frenchman, and came first to the lodging of his friend Mr. Hyde, so perfectly disguised that he did not only not discover him but could hardly be persuaded that it was [he] even when he pulled off his periwig; and he walked after him as his servant for some days in the town and in the Court, and with his father the earl of Bristol, who told Mr. Hyde, as he was walking with him, that he had gotten a proper Frenchman to wait upon him, and asked him what service he put him to, and received without farther curiosity that answer that occurred. And in this concealment he had some audiences with the King, who retained much kindness for him, though he was

1642 whom we have mentioned before in the first disorder by which the King and Queen were driven from London, to have left

sensible of the ill effects of his undeliberated counsels. If he could have concealed himself, he might have been long enough [concealed] to all others; but he communicated himself to so many that all men knew of his being there, and that his being so would quickly bring reproach and clamour upon the King; for yet there was no mention of a war, but all imaginations cherished of an accommodation with the Parliament, against which there could be no greater prejudice in the opinion of all men than the lord Digby's presence about the King; so that not only such who had no reverence for him but his best friends, and even the King himself, wished his absence, and believed his appearance there would be very unseasonable. He was the last man that ever apprehended any disesteem of himself, and did believe that all the world retained a value for him, which he believed he deserved, and so was willing to accept any varnish or colour that might cover the disesteem. Sir John Culpeper, who could dress any design in the most plausible appearances, complained to him with great openness and freedom, as a man with whom he had a perfect friendship, of the Queen's remissness in Holland in making provisions for the war, which she knew was inevitable: that if there were not some supply speedily sent of arms and ammunition, the King would be compelled to give himself into the hands of the Parliament, for all men would forsake him. He well knew the Queen's affection and zeal, but imputed this omission and delay to those who were about her, as not only not diligent and industrious enough in such transactions, but men of pleasure and unbent, who rather desired to spend all the money that could be got in less important things than those which concerned the very being of the King. He lamented there being no one person about her majesty who took this matter to heart, and that would present the importance of it to her with that vivacity that was requisite, and would see that to be executed which the Queen gave order for; and after he had desired him to consider of some fit person to be sent over to her majesty to that purpose, and after he had proposed some who he knew would not be thought equal to it by the other, he seemed to think of going over himself in the errand, to the well despatching of which, he said, the King would own all the good success he was capable of receiving. And by these degrees he raised some present inclination in the lord (who desired to perform any great service which others were not fit for) to make it his own work; which he no sooner mentioned but the other laid hold of, and told him he was born to restore the King, extolled the infinite merit of the service, and parted not with him till he had found a means of going together privately to his majesty, to whom he magnified the affection of the lord Digby in being willing to expose himself to so much trouble and danger to recover life again to his even expiring affairs. And the King appearing sensible of the benefit he should receive by it, the journey was so fully resolved upon that there was afterwards no retiring from it.

2. 'The next day, when he had with himself quietly deliberated the

England, and to be after unreasonably accused by the House of Commons of high treason, had remained from that time in 1642

affair and the engagement he was in, he discerned that, his being so generally known to have been in York, his so sudden retirement from thence would appear to all men to be an absolute banishment from the Court, which not being pressed by any other authority with which it would be fit for the King to comply, it must be interpreted to proceed from an utter aversion in the King himself, which (though not true) would blast his reputation in the world; and therefore, though he could not decline the voyage, he would find some expedient to give another kind of lustre to it. There were at the same time in the town Wilmot and Ashburnham and Pollard, all who were as obnoxious to the Parliament, and stood charged by it under an accusation of high treason; and so their appearance in the Court was as unseasonable as his, and would be liable to the same exception and reproach. They were all designed good commands in the army, Wilmot having been before commissary general of the horse, and the King had designed him again the same charge, and to the other, several commands among the horse and foot, O'Neale and Barkeley being of the same company. If all these men together became absent from the Court, it would be looked upon as some trust of importance, and upon a reason not to be inquired into, since they could not be spared when the time should be ripe for action. How he might engage these to accompany him in his employment was his great work. He was well acquainted with them all, and had an absolute disposal of O'Neale, who had by a marvellous dexterity in his nature an extraordinary influence upon the rest. Him he directed to persuade the others to accompany him in his voyage to Holland for their own convenience and benefit. He related the occasion of his journey to the Queen, and raised the employment to a matter of as great moment as was possible, and as if the disposal of all offices and places depended upon the resolutions he should bring back with him, himself being to return with the first expedition and with supplies of arms and money. He observed to him that there was nobody about the King, or of near credit with him, upon whom they might entirely depend to promote their interest; that it would be good for them to fetch some fire from the Queen to warm the King's affections towards them; which being done, they would be sure to be put into the present possession of all those honours and preferments which their hearts were set upon, and of which they pretended to have some kind of promise; and he undertook that the King would be very well pleased with their going this voyage. O'Neale was easily prevailed with, and he as easily prevailed with the rest, who were weary of having nothing to do, and promised themselves the accomplishments of all their wishes by the lord Digby's credit with the King and Queen, and made no doubt of their returning with the first arms and ammunition, before the arrival whereof there was nothing for them to do at York. And so upon very short warning they all resolved the journey; and the next day after he had undertaken the service to the King he and all that company left York, and [went] to the sea-side, whither they had sent to provide a little bark for their transportation.

1642 Holland; and, hearing the King's condition at York to be so much improved beyond what he left it at Windsor, had, with

3. 'When they had scarce been a day at sea, they met with the Providence, freighted with that supply of arms and ammunition as is mentioned before; and in that vessel Slingsby was embarked, a creature of the lord Digby's, and recommended by him to the Queen to attend and prosecute the sending that supply; an active and a diligent gentleman, who went heartily about his business, having a perfect detestation of the Parliament for having deprived him of his master the earl of Strafford, whose secretary he was, and most entirely trusted by him. The vessels quickly came to understand what each other was, and the ship slacked her sails, to send their boat to the other, from whom they might receive instructions; and Slingsby came to confer with the lord Digby, and to deliver letters to him from the Queen. All the persons in the little bark took the opportunity of the boat's return, and embarked themselves on the ship, the lord Digby only remaining in the bark, to peruse the letters he had received, before the doing whereof he could not positively resolve whether he would continue his voyage for Holland or return; and he kept colonel Ashburnham with him, the boat being appointed to return to them, that they might give each other advertisements what either were to do; and this continued so long, with sending often letters between the lord Digby and Slingsby, that they discovered the fleet to be in pursuit of them. There was then no time for irresolution. The Providence made all their sails into the river of Humber, and, as was said before, got into that shallow creek which preserved them. The bark made all the way they could to overtake the ship; but being no good sailer, before it could reach that creek, the long boats from the ships surprised it, and carried the vessel into Hull. The two prisoners, in this desperate confusion, had only time to dispose of those papers which might make their destruction more certain, and to agree upon such particulars as might be least prejudicial to themselves; the principal of which was, that they were strangers to each other, only met for their passage; the lord Digby being, both in his disguise and language, a natural Frenchman, and the other confessing he was English. It was towards the evening when they were brought to Hull, the lord Digby keeping under deck, as being wonderful sick, and desiring to rest there till some person might be sent to him who understood his language; which request he made by the interpretation of Mr. Ashburnham, who, being of a very jolly humour, and the most dexterous in making himself acceptable to such kind of people, easily prevailed to be carried to a lodging, till he might attend the governor the next day, and seeming to take no other care of his new acquaintance the Frenchman but that somebody might be sent to him who understood French; which was presently done, there being an inferior officer of the garrison moderately versed in that language. The lord Digby desired him to go to the governor, and desire him that he would presently admit him to his presence, for that he had somewhat to impart to him that very much concerned the service of the Parliament. Sir John Hotham knew enough of the intelligence the Parliament held with France to believe that he might from thence receive information of importance, so

some commands from the Queen, arrived there very privately, 1642
and stayed some days in a disguise at York, revealing himself

that he immediately sent for the Frenchman to be brought to him, himself enough understanding it, and his son being present with him, who had travelled later into France than he had done.

4. 'The lord Digby was not more odious to many men than he was to Hotham, who perfectly abhorred him for having deserted the party on the behalf of the earl of Strafford; yet he foresaw that it was not possible for him to be long unknown. The company he was in, which went on board the Providence, would be known from the discourses of themselves, who had seen him and Ashburnham taken prisoners, and would be lamenting their misfortunes; and if he should not be discovered, his having been with them would at best cause him to be sent to London, whence he could never escape. Upon all which, as he was a man of wonderful sagacity and presentness of mind to get out of a danger which he was not wary to prevent, he resolved upon a new way of concealing him[self]. Being brought into a gallery, where the governor, environed by his officers, expected him, after he had entertained the company with the actions of the last *campania* in France and Flanders, of which he could discourse very naturally, knowing the places and the principal officers of both sides, and declared that the fame of a war in England like to be had disposed him to come thither to offer his service, where he thought there might be want of officers who had been acquainted with the profession; that he had been at York to apply himself to the King, but he found there was neither money or preparations there to carry on any war, though they were far from desiring peace; and therefore he had endeavoured to transport himself back again, and from thence to pass to London and to be disposed of by the Parliament; and then desired the governor that he might confer with him alone. The other walked with him to the other end of the gallery, which was a little darker; and then he asked him in English whether he knew him. He answered in some disorder that he did not. He said he thought so, and that he believed, being a stranger, he might easily obtain his liberty the next day, but that he resolved to owe his life to his generosity rather than to his own good fortune; that he had always looked upon [him] as a man of honour, though they had sometimes differed in their opinions, and that he could not but know that, whatever errors he might have committed, he was prosecuted with more animosity than was just; and that he was assured he would never deliver him up a sacrifice to those enemies who would destroy him; and so told him his name, and that the other who was taken with him was colonel Ashburnham, a person well known and not unacceptable to the governor. Sir John Hotham was so surprised with this discourse that he looked pale and trembled, and very hardly recovered so much composure as to tell him that if they stayed long in conference it would raise some jealousy amongst the officers, and therefore that he would send him to a convenient lodging, and find some opportunity the next day to confer farther with him: and, so, without saying or hearing more, he called to an officer, and bade him carry that Frenchman to such a house, where the master understood and

1642 to very few friends, and speaking with the King in so secret a manner in the night that no notice was taken of his being there; and, finding the King's affairs not in so good a posture as he expected, and conceiving it yet not fit for him to appear, resolved to return again to the Queen, and to hasten that provision of arms and ammunition without which it was not possible for the King to resist any violence that threatened him; and so, in the same bark which brought him over, he went again to sea for Holland, with Wilmot, Ashburnham, Pollard, and Barkley, who purposely removed themselves from Court, upon the clamour of the Parliament, till the King was ready to use their service. They were not many hours at sea
§ 374. till they met the Providence, (which we remembered before,) with the ammunition which was only wanted; and, well knowing her, they agreed that Wilmot, Pollard, and Barkley should return with the ammunition to the King, and Digby and col. Ashburnham should pursue their former intentions for Holland. But their parleys continued so long, that the Parliament ships, who had watched and chased the Providence, came up to them,
July[1] 2. and though the ships scaped, and run on shore, as was before mentioned, yet the fly-boat, in which the lord Digby was, could not so well get away, but was taken by them, and carried in with so much the more choler and triumph into Hull that they had been disappointed of their greater prize. Col. Ashburnham, though he was in great umbrage with the Parliament, and one of those delinquents whom they reproached the King with, was so well known to sir John Hotham, with whom he stood in a good degree of familiarity, that he could not dissemble or conceal himself; but the lord Digby, being in so real a disguise that his nearest friends would not easily have known him, pre-

spake French, and to take care that he wanted nothing; and so dismissing him, he told the officers that were present that the Frenchman had imparted many things to him of importance, and that he had made many notable observations during the time [he] had been at York, and had given him more useful advertisements than all the persons employed by the Parliament had done; and that if he liked him as well the next morning as he did then he would persuade him to go again to the Court, and after his return would send him to the Parliament, who he knew would be very glad of such an instrument.']

[1] [Lords' Journals, V. 182, often assigned to *June*.]

tended to be a Frenchman, whose language he spake excellently, 1642
and seemed to be so sea-sick that he kept himself in the hold of the bark till they came to Hull, and in that time disposed of such papers as were not fit to be perused; and when he came on shore, so well counterfeited sickness and want of health that he easily procured himself to be sent, under a guard, to some obscure corner for repose; whilst col. Ashburnham, who was the only prisoner they thought worth the looking after, was carefully carried to the governor, who received him with as much civility as he could reasonably expect.

433. The lord Digby, being by himself, quickly considered the desperateness of his condition: that it would not be possible to conceal himself long, being so well known to many who were in the Providence, and the garrison quickly knowing whatsoever was spoken of in the country; that he was, how unjustly or unreasonably soever, the most odious man of the kingdom to the Parliament, into whose hands if he should then come his life would be at least in apparent hazard. And how to get himself out of that labyrinth was very difficult, since sir John Hotham was so far from any inclination of kindness towards him, as he had to col. Ashburnham, that he was in the number of his most notorious enemies. However, in this eminent extremity (as he is a man of the greatest presentness of mind, and the least unappalled upon danger, that I have known,) he resolved not to give himself over; and found means to make one of his guard, in broken English, which might well have become any Frenchman, understand that he desired to speak privately with the governor, and that he would discover some secrets of the King's and Queen's to him that would highly advance the service of the Parliament. The fellow made haste to let the governor know [these[1]] good tidings, who, understanding French well, as speedily sent for the Frenchman; who was brought before him in the presence of much company, and, without any disorder, gave such an account of himself as they understood him to have seen much of the French service, of which he spake very fluently, and to have come over recom-

[1] ['this,' MS.]

1642 mended to the King for some command, if he should have occasion to use soldiers; as, he said, people abroad conceived him likely to have. After he had entertained the company with such discourse, there being present some gentlemen who came lately out of France, and so being the more curious to administer questions, he applied himself to the governor; and told him that if he might be admitted to privacy with him, he would discover somewhat to him which he would not repent to have known. The governor, who was a man apt enough to fear his own safety, but more apprehensive of the jealousies which would attend him, (for his eldest son, and some others, were more absolutely confided in by the Parliament than himself, and were in truth but spies over him,) would not venture himself in another room, but drew him to a great window at a convenient distance from the company, and wished him to say what he thought fit. The lord Digby, finding he could not obtain more privacy, asked him, in English, 'whether he knew him?' The other, appalled, told him, 'No.' 'Then,' said he, 'I shall try whether I know sir John Hotham, and whether he be in truth the same man of honour I have always taken him to be:' and thereupon told him who he was, and that he hoped he was too much a gentleman to deliver him up a sacrifice to their rage and fury who he well knew were his implacable enemies. The other, being surprised and astonished, and fearing that the by-standers would discover him too, (for, being now told who he was, he wondered he found it not out himself,) he desired him 'to say no more for the present; that he should not be sorry for the trust he reposed in him, and should find him the same man he had thought him: that he would find some time, as soon as conveniently he might, to have more conference with him; in the mean time, that he should content himself with the ill accommodation he had, the amendment whereof would beget suspicion:' and so he called the guard instantly to carry him away, and to have a very strict eye upon him, and, turning to the company, and being conscious to himself of the trouble and disorder in his countenance, told them that 'the Frenchman was a shrewd fellow, and understood more of the Queen's coun-

sels and designs than a man would suspect: that he had told 1642
him that which the Parliament would be glad to know, to whom presently he would make a despatch, though he had not yet so clear informations as, he presumed, he should have after two or three days:' and so departed to his chamber.

434[1]. It was a wonderful influence this noble person's stars

[1] [Here, in §§ 434–9, the text is taken up from the *Life*, pp. 177–8. The *History* (pp. 248–250) continues as follows:—

1. 'Two days after, he found opportunity to visit him as a stranger and a prisoner, and, having the room to themselves, he lamented his own condition; that there was such jealousy of him, that no delinquent was more narrowly watched; that his own son had contracted that animosity against the King that no man was more violent, and therefore he was more trusted by the Parliament than himself; and therefore that his lordship was to dispense with those wants of civility and respect which he was not in a capacity to perform. But he told him that he too well understood the great and implacable malice those men bore to his lordship by whom the counsels and conclusions at Westminster were absolutely swayed, and that he was assured, if he should have the misfortune to fall into their hands, they would take his life from him without any forms or rules of a just trial, which for his part he thought to be against all conscience and justice; and therefore that he was resolved, though the discovery thereof would be his own ruin, not to have any hand in delivering him up into those bloody hands, but wished him to think of making an escape, which in few days, by the negligence of his guard, he would give him an opportunity for; and in the mean time he would make him such short visits as he securely might, without giving the sharpsighted observers of his actions any advantage to both their prejudice; and so departed. The lord Digby finding this generosity from a constitution so unlike to have harboured it, thought least of his own escape, but how he might gratify sir John Hotham again by being a means to reduce him to his loyalty, and to incline him to repair the mischieve he had done; and so, as often as he came to him after, he took occasion to present to him the miserable condition the kingdom was like suddenly to fall into, by the passion and sinister designs of those at Westminster, with whom, he said, he wondered how he could comply, who had neither the same opinions or the same ends with the other; as in truth at that time sir John Hotham was as well affected to the government of the Church of England, and desired as little alteration in the laws of the land, as any man that had concurred with them, having at first complied with them out of personal animosity and spleen against the earl of Strafford, and being likewise obnoxious to their inquiry and punishment for many things done by [him] as high shrieve and deputy lieutenant, by those votes which they had passed upon businesses of that nature. Sir John Hotham replied, that his case was very hard; for when he undertook that trust, he did it with no purpose of disserving his majesty, and did believe the intentions of the Parliament at that time to have been much better than he had now reason to apprehend; that he had written his mind

1642 (which used to lead him into and out of the greatest perplexities and dangers throughout the whole course of his life) had upon

so freely to those who governed there to incline them to moderation, that he had rendered himself suspected to them to that degree that they had put officers and soldiers into the garrison in whom they more confided than in him, and that though he was still suffered to enjoy the title and style of governor, yet his power was very little, and they more trusted who were sent as a committee to overlook and observe his actions, amongst whom his son was the most furious; so that, being resolved not to join with them in any disloyal act against the King, he had reason to believe he should not continue long in any degree of favour with the Parliament, and he had already rendered himself so odious to the King that he had put him out of his protection. Then he made large expressions of his fidelity and devotion to the King, and excused his not opening the gates to let his majesty into Hull by a message he had received from one very near his majesty, that he should have his throat cut as soon as the King entered the town. The lord Digby told him, that how unfortunate soever that mistake (of which there was not the least ground, the King having at that time good inclinations to him, and depending much upon him) was to his majesty and himself, yet the merit of doing so important a service to his majesty as the rendering that place to him would be, would cancel all former disobligations, and engage the King to fix some such signal mark upon him of his extraordinary grace and favour as might be equal to the service itself; that he had it now in his power not only to gratify his sovereign, and thereby to render himself, his family, and his posterity, gracious and prosperous, but to preserve his country from a civil war, and the desolation which a civil war would bring. For it was evident the unreasonable propositions and demands of the Parliament proceeded chiefly from their contempt of the King's weakness and want of power, as having neither port, harbour, or munition at his devotion; whereas if by his means he might be possessed of that town and magazine, it would at the same time give him possession of the entire affections of that rich and populous county of Yorkshire, and indeed of the whole north of England, whereby the Parliament (the major part whereof did cordially desire peace, though they were swayed and corrupted by a few) would be induced to come to so reasonable a treaty with the King, who was firmly resolved to condescend to any thing that would really prove for the happiness of the kingdom, that an undoubted peace and good understanding between his majesty and his people would immediately ensue; of all which he would be looked upon by good men as the chief author and procurer. On the other hand, he must expect great misfortunes from the Parliament, whose fears and jealousies would improve the least error he should commit into a notorious crime and delinquency, and if they wanted other matter, this very civility and generosity towards him, and the suffering a person so obnoxious to them, and impeached of high treason by them, to escape their fury and revenge, which could not be long concealed, would be a guilt sufficient to produce his ruin; and therefore he could not otherwise requite that excess of humanity and friendship which he expressed towards him than by persuading him, if he could not incline

this whole affair. Hotham was, by his nature and education, a rough and a rude man; of great covetousness, of great pride, 1642

himself to a resolution of utterly quitting their service and so being out of their power, by no means to venture the loss of his own head to save his, but to deliver him up to their utmost rage and malice.

2. 'These discourses passing frequently between them, sir John Hotham in the end seemed not so unresolved what to do as unsatisfied that it was in his power to compass what he was enough resolved to venture. Most of the train-bands, which first constituted the garrison, were discharged, and their places supplied by volunteers, who were sent from Boston and other factious and schismatical towns of Lincolnshire, or by companies from London, and such officers with them as were more heartily engaged in the service and farther trusted than the governor. In all matters of deliberation the committee had equal power with him, and that consisted of men incapable of receiving any good impressions of affection and duty towards the King; and these employed themselves chiefly in observing and watching the affections of other men; and if they discovered either townsman or soldier more honestly inclined than would suit with their purposes, he was immediately put out of the town; so that if sir John Hotham had expressed or given the least hint of wishing the town in the King's hands, his majesty could not have received any fruit of that wish, and himself had been instantly secured from contributing thereunto. In the end, he foresaw the longer he deferred it the less able he should be to act anything, and therefore he declared himself freely that he would serve his majesty, and take the first opportunity to publish that he meant so to do. He said, he had not, by not opening the gates to his majesty, committed any hostile act against him; that his trust was, and so the soldiers generally understood theirs to be, to keep the town for the King as well as for the Parliament. If therefore the King would draw any force before the town to force it, plant his cannon with which he was now supplied, and make one shot into the town, and then summon him, he should be able, in that hurry and confusion, to make it appear to the soldiers that they could not defend it for the Parliament without doing some hostile act against the King, nor resist his coming into the town without doing what would endanger the person and life of the King; which, as for his part he was resolved, so he thought the garrison would not be guilty of; and by this means he doubted not to be able to put the place into the King's hand.

3. 'Hereupon, all things being agreed between them, sir John Hotham told the committee that the Frenchman was a rare fellow, and was very desirous to serve the Parliament, and had offered him to go to York, and to return to him again with a full discovery of the King's intentions, which by reason of the recommendations he had from the Queen, and the acquaintance he had with some principal persons who came now over with the ammunition, he doubted not to obtain. He demanded their opinions whether he should trust him, and wished them to consider the conveniencies they were probably to receive if he proved honest, which, by the secrets he had already imparted to him, he had a strong persuasion he would do, with the damage of his proving otherwise; for what benefit

1642 and great ambition; without any bowels of good nature, or the least sense or touch of generosity; his parts were not quick and

might accrue by his being kept prisoner he could not understand. They were all of the same mind, and concluded he should go; and so the lord Digby was suffered to go out of Hull, being sufficiently instructed by sir John Hotham, to whom he promised solemnly to return, as was most necessary; and especially premonished and engaged that the business should be intrusted to no person living but his majesty, sir John Hotham professing that if it were communicated to any third person he would hold himself absolved from any engagement; adding, besides the liberty of the lord Digby, as another argument of his real intentions, some particular information of persons about the King who were intelligencers for the Parliament, and concluding that all his majesty's resolutions and counsels of moment were betrayed, and therefore passionately insisting upon the secrecy prescribed; and gave him a letter of credit to a friend in York, by which means his lordship might give him notice of what resolutions should be taken before his own return. Hereupon the lord Digby in the same disguise came to York, to the great joy of those few friends who knew in what danger he had been: not one of which, nor his own father, who was then waiting on his majesty during the time of his stay there, knew by what means he had escaped, or had the least hint of the treaty with sir [John] Hotham; but having found opportunity to acquaint the King with the whole matter, and receiving his gracious promise that it should not be imparted to any other, he returned again as the same Frenchman to Hull, sir John Hotham much vaunting to the committee what an excellent minister he had got for the service of the Parliament. And this was the true prevalent reason that carried the King to Beverley; though the other before mentioned, of making Hull the quarrel, and raising an army under that pretence, seemed to all men of that moment that they inquired no further. But when, after twenty days' stay there, (his majesty giving occasion to have it thought that he suspended all acts of hostility upon the message brought by the earl of Holland, and in expectation of a reply to his answer,) it appeared plainly that the garrison of Hull was supplied with more soldiers from London, and that the train-bands of the country came not so numerously or cheerfully in as to justify any approach to the town, or to venture the cannon in such company, his majesty could not find any (though the officers and gentry then about him were enterprising enough) who thought fit that he should show himself in so ill an equipage before the town, much less plant his cannon, it being evident, by the affronts the garrison hourly did within the King's quarters, that the small body of train-bands were as inconsiderable in courage as number, insomuch that the danger of his majesty's being himself surprised at Beverley seemed much greater (and no question had not been difficult) than the hope of taking Hull by such an army; whereas, if that treaty with sir John Hotham had at the time of the King's first coming to Beverley been imparted to such a number as might have carried on the attempt, it is very probable the design so well laid might have been executed. But as it was, the King finding himself not ready to make the experiment, and that the

sharp, but composed, and judged well; he was a man of craft, 1642
and more like to deceive than to be cozened: yet, after all this, this young nobleman, known and abhorred by him for his admirable faculty of dissimulation, had so far prevailed and imposed upon his spirit that he resolved to practise that virtue which the other had imputed to him, and which he was absolutely without, and not to suffer him to fall into the hands of his enemies. He sent for him the next day, and at an hour when he was more vacant from attendants and observers; and at first told him his resolution that, since he had so frankly put himself into his hands, he would not deceive his trust; and wished him to consider in what way and by what colour he should so set him at liberty that he might without any other danger arrive at the place where he would be. For he said, 'he would not trust any person living with the secret, and least of all his son;' whom he mentioned with all the bitterness imaginable, as a man of an ill nature, and furiously addicted to the worst designs the Parliament had or could have, and one that was more depended upon by them than himself, and sent thither only as spy upon him. And from hence he entered upon the discourse of the times, and the mischieve that was like to befall the whole kingdom from this difference between the King and the Parliament. Then lamented his own fate, that, being a man of very different principles from those who drove things to this extremity, and of entire affection and duty to the King, he should now be looked upon as the chief ground and cause of the civil war which was to ensue, by his not opening the ports when the King would have entered into the town: of which business, and of all the circumstances which attended it, he spake at large, and avowed that the information sent him of the King's purpose presently to hang him was the true cause of his having proceeded in that manner.

Parliament was so far beforehand with him in preparations for war, he concluded that he must declare all the abettors of those rebellious proceedings rebels and traitors, and that he must enter into an open war with them, some other irruptions in the other parts of the Kingdom not suffering his hostility to be contracted only against Hull; of which accidents and occurrences we are now to speak.']

1642 435. The lord Digby, who knew well enough how to cultivate every period of such a discourse, and how to work upon those passions which were most predominant in him, joined with him in the sense of the calamities which were like to befall the nation, which he bewailed pathetically, and that it should be in the power of a handful of ill men, corrupted in their affections to the King, and against monarchy itself, [to[1]] be able to involve him, and many others of his clear intentions, in their dark counsels, and to engage them to prosecute ends which they abhorred, and which must determine in the ruin of all the undertakers. For he told him that the King in a short time would reduce all his enemies: that the hearts of the people were already in all places aliened from them, and that the fleet was so much at the King's disposal that, as soon as they should receive his orders, they would appear in any place he appointed: that all the princes in Christendom were concerned in the quarrel, and would engage in it as soon as they should be invited to it: and that the Prince of Aurange was resolved to come over in the head of his army, and would take Hull in three days. All which ought, reasonably, to have been true in the practicque, though it had very little ground in the speculation. And when he had by degrees amused and terrified him with this discourse, he enlarged upon the honour and glory that man would have, who could be so blessed as to prevent this terrible mass of confusion that was in view: that King and people would join in rewarding him with honours and preferments of all kinds; and that his name would be derived to posterity as the preserver of his country. He told him, 'He was that man that could do all this; that, by delivering up Hull to the King, he might extinguish the war, and that immediately a peace would be established throughout the kingdom. That the world believed that he had some credit both with the King and Queen; that he would employ it all in his service; and if he would give him this rise to begin upon, he should find that he would be much more solicitous for his greatness, and a full recompense for his merit, than he was now for his own safety.' All these

[1] ['should,' MS.]

advertisements and reflections were the subject of more than one discourse, for sir John Hotham could not bear the variety and burden of all those thoughts together; but within two days all things were adjusted between them. Hotham said, 'it would not become him, after such a refusal, to put the town into the King's hands, nor could he undertake (if he resolved) to effect it, the town itself being in no degree affected to his service, and the train-bands, of which the garrison wholly consisted, were under officers upon whom he could not depend. But,' he said, 'if the King would come before the town, though but with one regiment, and plant his cannon against it, and make but one shot, he should think he had discharged his trust to the Parliament as far as he ought to do, and that he would immediately then deliver up the town; which he made no doubt but that he should be then able to do.' And on this errand he was contented the lord Digby should go to the King, and be conducted out of the town beyond the limits of danger; the governor having told those officers he trusted most that 'he would send the Frenchman to York; who, he was well assured, would return to him again.' And he gave him a note to a widow who lived in the city, at whose house he might lodge, and by whose hands he might transmit any letter to him. 1642

436. When he came to York, and after he had spoke with the King[1], it was resolved that he should appear in his own likeness and wait upon the King in public, that it might be believed that he had transported himself from Holland in the ship that had brought the ammunition, which was hardly yet come to York, it being now about the time that Mr. Villiers and sir John Pennington had been sent away, and before the news came of their ill success. This was the cause of the sudden march to Hull, before there was a soldier levied to make an assault or maintain a siege; which was so much wondered at then, and so much censured afterwards. For as soon as his July 5.

[1] [The words 'with the King' are substituted in the MS. for the following, which have been struck out: 'with his friend Mr. Hyde and the other two who were always together, and the King had notice of his arrival.']

1642 majesty received this assurance, and, besides the confidence of the lord Digby, so much reason to depend upon by the treatment he had received, he declared he would, upon such a day, go to Beverley, a place within four miles of Hull; and appointed three or four regiments of the country, under the command of such gentlemen whose affection was unquestionable, to march thither as a guard to his person; and likewise sent a little train of artillery, which might be ready for the summons. And when his majesty was ready with this equipage for his march, the lord Digby returned again in his old mode to Hull, to be sure that all things there might correspond with the former obligation. As soon as the King and the whole
July 7. Court, (for none remained at York,) came to Beverley, (where they were well accommodated, which kept them from being quickly weary,) and the train-bands were likewise come thither, and the general, the earl of Lyndsey, first took possession of his office, a little troubled and out of countenance that he should appear the general without an army, and be engaged in an enterprise which he could not imagine would succeed, his majesty wished him to send out some officers, of which there was a good store, to take a view of the town, and of such advantage ground within distance upon which he might raise a battery; as if he meant on a sudden to assault the place; which appeared no unreasonable design, if there were a good party in the town to depend upon; and yet the general had no opinion that his army of train-bands would frankly expose themselves to such an attack. Besides a great number of officers and persons of quality, who were all well horsed and had many servants as well provided, the King had his troop of guards so constituted as hath been said before; and there were few horses in Hull, without officers who understood that kind of service; so that it was no hard matter to take a very full view of the town, by riding to the very ports and about the walls; nor at first appearance was there any show of hostility from the town upon their nearest approaches to it; but after they had made that visit two or three days together, they observed that the walls were better manned, and that there were every day an

increase of labourers repairing the works; and then they began 1642
to shoot when any went within distance of the works.

437. Sir John Hotham had tried some of his officers, in whose particular affection he had most confidence, how far they were like to be governed by him; and found them of a temper not to be relied upon. His son was grown jealous of some design, and was caballing with those who were most notorious for their disaffection to the government; and some new officers were sent down by the Parliament to assist in the defence of the town, which they thought might probably be attempted; and some supplies of men had been taken in from the ships, and had been sent thither from Boston, a neighbour town of eminent disloyalty. So that when the lord Digby returned thither he found a great damp upon the spirit of the governor, and a sadness of mind that he had proceeded so far, of which he made all the haste he could to advertise the King; but his letters must first be sent to York before they could come to Beverley; and when they were received, they contained still somewhat of hope that he might restore him to his former courage and confirm his resolution: so that the King seemed to defer any attempt, upon the hopes of the earl of Holland's message, and in the end he was compelled to give over the design, all hope from the governor growing desperate; whether from his want of courage, or want of power to execute what he desired, remained still uncertain. When he gave over further thought of it, he dismissed both the lord Digby and colonel Ashburnham, whom he had likewise detained till then as a man of use in the execution of the design, with many professions of duty to the King; and as the concealing these two persons, and afterwards releasing them, immediately increased the jealousy of the Parliament against him, so it was the principal cause afterwards of the loss of his head.

438. The King[1] dismissed the train-bands, and returned with his Court to York, in so much less credit than when he came July 30.

[1] [The following words have here been struck out in the MS., 'after three weeks' or a month's stay at Beverley,' and also the words 'weary of their service' after 'train-bands.']

1642 from thence as the entering into a war without power or preparation to prosecute it was like to produce. And the inconvenience was the greater because the principal persons of quality, of Court or country, and the officers, had the less reverence for the King's conduct, by seeing such an action entered upon with so little reason and prosecuted so perfunctorily: all which reproaches his majesty thought fitter to bear than to discover the motives of his journey, which were then known to few, nor to this day have been published.

439. When the King returned to York, exceedingly troubled at the late march he had made, and all men expressing great impatience to be in action, very many persons of honour and quality, having attended long at Court, did believe they might be more useful to his majesty's service in their own countries, in restraining the disaffected from any seditious attempts, and disposing the people in general to be constant in their loyalty. An accident fell out, that made it absolutely necessary for the King to declare the war, and to enter upon it, before he was in any degree ripe for action; which was, that Portsmouth had declared for the King and refused to submit to the Parliament, which had thereupon sent an army, under the command of sir William Waller, to reduce it. The relating how that came to pass requires a large discourse, which will administer much variety, not without somewhat of pleasure and wonder, from the temper and spirit of the person who conducted that action; if it can be said to be conducted without any conduct.

440[1]. We have remembered before, in the last year, the dis-

[1] [The text of this section is from the *Hist.*, p. 250. The account about Portsmouth is thus continued in the *Life*, pp. 180-1:—

'It is remembered before, or if it be not, it is too much in the memory of too many to be forgotten,' that colonel Goring, who had been bred in the Court, and owed all he had, and all he had to hope, to the immediate bounty of the Crown, was governor of Portsmouth, and a principal officer in the army, when that conspiracy (as they called it) was entered into by some of the chief officers, as Wilmot, Ashburnham, and the rest, against the Parliament: all which was discovered by Goring, who thereby made himself a favourite to the governing party in both Houses, and was so riveted in their good opinion and confidence that they would give no countenance to any informations they received, from persons in whom they had great confidence, of any thing to his prejudice, but thought the sourness

course of the bringing up the army to London to awe the Parliament, and the unspeakable dishonour and damage the 1642

and morosity of their natures disposed them to severity upon the gaiety of his humour and some liberties and excesses he used to indulge to himself; and he no sooner appeared upon any accusation but he renewed all their assurance of his integrity, for he appeared with a bashfulness so like innocence, when in truth it was a formed impudence to deceive, and with a disorder so like reverence, when he had the highest contempt of them, [that they[1]] believed all he said, and dismissed him with all he asked for, and had [so] entire an opinion of his resignation of himself to them, and his resolution of running their fortune, that in the modelling their army under the earl of Essex they made him lieutenant-general of their horse, with an esteem in their hearts of him superior to any person but of the general himself. He was in truth a man very powerful to get esteem, having a person very winning and graceful in all his motions, and by a hurt in his leg, which he had nobly and eminently attained in an assault of a town in Holland, and which produced a lameness not to be concealed, he appeared the more comely and prevailing. He had a civility which shed itself over all his countenance, and gathered all the eyes and applications in view; his courage was notorious and confessed; his wit equal to the best, and in the most universal conceptions; and his language and expression natural, sharp, and flowing, adorned with a wonderful seeming modesty, and with such a constant and perpetual sprightfulness and pleasantness of humour, that no man had reason to be ashamed of being disposed to love him, or indeed of being deceived by him. He had such a dexterity in his addresses, and in reconciling the greatest prejudice and aversion, that he prevailed with the Queen, within less than forty-eight hours after he was known to have betrayed her and ruined those who were most trusted by her, and who were fled the kingdom for the safety of their lives, to repose a great trust in him again, and to believe that he would serve the King with great integrity. He promised them to keep Portsmouth in the King's devotion; and that he might the better do it, by changing or reforming the garrison and repairing the works, he received a good sum of money from the Queen. After the accusation of the six members of Parliament, which raised them so high and cast the King so low, he came to the House to wipe off some aspersions which had been charged upon him; and to make his dependence to appear to be absolutely and solely upon their favour, he declared how odious he had made himself to the Court, which he said sought nothing but his ruin, and he knew had a design to corrupt his garrison and to get the town out of his hands; which that he might the better prevent, he desired he might inform them of the weakness of it; and in a very short time prevailed with them to deliver him four thousand pounds, that he might be sure to retain that place in their obedience; and before he returned thither, (from whence he was not absent above a week,) he persuaded the Queen, in her greatest extremity and want of money, to furnish him with five thousand pounds, that he might prepare a good proportion of ammunition and victual, and have men listed in private, and

[1] ['and,' MS.]

1642 King sustained by that discourse, how groundless soever it was; all which was imputed to colonel Goring, who, by that means, grew into great reputation with the Parliament, as a man so irrecoverably lost at Court that he would join with them in the most desperate designs; yet he carried himself with so great dexterity, that within few months he wrought upon the King and Queen to believe that he so much repented that fault that he would redeem it by any service, and to trust him to that degree that the Queen once resolved, when the tumults drove their majesties first from London, for her security to put herself into Portsmouth, which was under his government, whilst his majesty betook himself to the northern parts; which design was no sooner over, (if not before,) than he again intimated so much of it to the lord Mandevill and that party, that they took all the trust he had from Court to proceed from the confidence their majesties had of his father's interest in him, whose affection and zeal to their service was ever most indubitable: but assured themselves he was their own, even against his own father. So that he carried the matter so, that, at the same time, he received three thousand pounds[1] from the Queen, (which she raised by the sale of her plate and some jewels,) to fortify, and victual, and reinforce his garrison, against the time it should be necessary to declare for the King, and a good supply from the Parliament, for the payment of the garrison, that it might be kept the better devoted to them and to their service. All which he performed with that admirable dissimulation and rare confidence, that when the House of Commons was informed by a member, whose zeal and affection to them was as much valued as any man's, that all his correspondence in the county were with the most malignant persons; that of those, many frequently resorted to and continued with him in the garrison; that he was fortifying, and raising batteries towards the land; and that in his discourses, (especially in the seasons of his good fellowship,) he used to utter

ready to come into the town, when he should find it time to declare: and with these two supplies, so artificially drawn from very contrary affections and to very contrary ends, and which were abundantly enough to have put the place into a very good condition, he returned well pleased to his garrison.']

[1] [*Sic*: £5000 in the preceding note.]

threats against the Parliament, and sharp censures of their pro- 1642
ceedings; and upon such informations (the author whereof was well known to them, and of great reputation [1], and lived so near Portsmouth that he could not be mistaken in the matter of fact) the House sent for him, most thinking he would refuse to come; colonel Goring came, upon the summons, with that undauntedness that all clouds of distrust immediately vanished, insomuch as no man presumed to whisper the least jealousy of him; which he observing, he came to the House of Commons, of which he was a member, and, having sat a day or two patiently, as if he expected some charge, in the end he stood up, with a coun- 1641
tenance full of modesty, and yet not without a mixture of anger, Nov. 19.
(as he could help himself with all the insinuations of doubt or fear or shame or simplicity in his face, that might gain belief, to a greater degree than I ever saw any man, and could seem the most confounded when he was best prepared, and the most out of countenance when he was best resolved, and to want words and the habit of speaking when they flowed from no man with greater power,) and told them that 'he had been sent for by them upon some information given against him, and that though he believed, the charge being so ridiculous, they might have received by their own particular inquiry satisfaction, yet the discourses that had been used, and his being sent for in that manner, had begat some prejudice to him in his reputation; which if he could not preserve, he should be less able to do them service; and therefore desired that he might have leave (though very unskilful, and unfit to speak in so wise and judicious an assembly) to present to them the state and condition of that place under his command; and then he doubted not but to give them full satisfaction in those particulars which possibly had made some impression in them to his disadvantage: that he was far from taking it ill from those who had given any information against him; for, what he had done, and must do, might give

[1] ['It was moved that the parties who writ these two letters might make satisfaction to col. Goring; but the House conceived they were persons so mean and unworthy that they could not make reparation fit for a person of his worth to have, and therefore gave directions the letters should be burnt.' *Commons' Journals*, Nov. 19, 1641, vol. II. p. 320.]

1642 some umbrage to well-affected persons, who knew not the grounds and reasons that induced him so to do; but that if any such person would at any times resort to him, he would clearly inform them of whatever motives he had, and would be glad of their advice and assistance for the better doing thereof.' Then he took notice of every particular that had been publicly said against him or privately whispered, and gave such plausible answers to the whole, intermingling sharp taunts and scorns to what had been said of him, with pretty application of himself, and flattery to the men that spoke it: concluding, that 'they well knew in what esteem he stood with others; so that if, by his ill carriage, he should forfeit the good opinion of that House, upon which he only depended, and to whose service he entirely devoted himself, he were madder than his friends took him to be, and must be as unpitied in any misery that could befall him as his enemies would be glad to see him.' With which, as innocently and unaffectedly uttered as can be imagined, he got so general an applause from the whole House, that, not without some little apology for troubling him, they desired him again to repair to his government, and to finish those works which were necessary for the safety of the place; and gratified him with consenting to all the propositions he made in behalf of his garrison, and paid him a good sum of money for their arrears; with which, and being privately assured (which was indeed resolved on) that he should be lieutenant-general of the horse in their new army (when it should be formed,) he departed again to Portsmouth; in the mean time assuring his majesty, by those who were trusted between them, that he would be speedily in a posture to make any such declaration for his service as he should be required; which he was forced to do sooner than he was provided for, though not sooner than he had reason to expect.

441[1]. When the levies for the Parliament-army were in good

[1] [Again the narrative is taken from the *Life*, pp. 181–183, for §§ 441–5, 447–9, the *Hist.* (pp. 251–256) proceeding thus:—

1. 'For the business of Hull ripening the inclinations of both parties, and the Parliament having chosen their general and making haste to form their army, colonel Goring was again thought of, and declared to be lieutenant-general of their horse, who by his letters still desired his corres-

forwardness, and he had received his commission for lieutenant-general of the horse, he wrote to the lord Mandevill, who was 1642

pondents (who were the lord Mandevill and others of that tribe) to spare his personal attendance as long as possibly might be, for that his presence with his garrison was very necessary for some longer time. But the jealousies were again grown towards him, not only from his free discourses, which were imputed to the licence of his nature, but from his entertaining many persons of honour and quality in the garrison of known disaffection to the Parliament, and his raising of horse; besides that some, who were really trusted by him with his intentions, gave intimation of his whole design; so that his friends at London, who began now to think themselves deceived, after two or three letters of excuse for his not coming when he was sent for, plainly sent him word, expressing still their own great confidence of his honour and integrity, (for I have seen the very letters sent to him by the lord Mandevill [1],) that except he came to London by such a day the Parliament would look upon him as revolted from them. Upon the receipt of which letter he could no longer dissemble his resolutions; and therefore calling his garrison together, he told them that what money they had lately received the King had sent to them, and if they would serve him they should have all their arrears and increase of pay; that the differences between the King and the Parliament were now grown to that height that men could no longer keep themselves from discovering which party he would serve; that he was trusted by his commission to keep that town for the King, which he would perform with his life; as many as were of that mind should be provided for by him; the rest, if there were any who would not serve the King, should be dismissed. Most of the soldiers, seeing yet no appearance of danger, promised fairly; yet some, professing they would not bear arms against the Parliament, were immediately discharged, and put out of the town. Then he assembled the mayor and townsmen, and made the same declaration to them; and they who expressed so much affection to the Parliament that he thought were not to be trusted, were likewise presently put out of the town. And then he returned answer to his friends at London, that he had, upon confidence of the upright intentions of the Parliament, served them to a greater degree, and with more inconvenience and damage to himself, than most other men, but that he could [not] join in any act of hostility against the King, to which he was now invited; that he was intrusted by his majesty, by letters patents under the Great Seal of England, to keep that town for the King; and therefore in a time of so much danger, in which the safety of it might be in hazard, he conceived it would not stand with his duty to be absent from that his charge. Hereupon he was immediately voted guilty of high treason, and a part of their new army sent under the command of sir William Waller, with all the train-bands of Hampshire, to besiege and reduce Portsmouth, the earl of Warwick having speedy direction to send so many ships as should be sufficient to keep any relief from being sent thither by sea. And, which is a circumstance not to be forgotten, the earl

[1] [The words in the parenthesis have been struck out in the MS.]

1642 his most bosom friend, and a man very powerful, 'that he might not be called to give his attendance upon the army till it was

of Portland being governor of the Isle of Wight, and then sitting with
Aug. 4. them in the House of Peers, was committed prisoner to one of the sheriffs of London, for no other reason but that he was an acquaintance of colonel Goring's, and that government (of which he was possessed by letters
Aug. 4, 8. patents under the Great Seal of England for his life) conferred on the earl of Pembroke, in whom they could better confide; so untender were they (notwithstanding all their discourse of law and privilege) of the interest and privilege of those members who concurred not with them in their furious opinions.

2. 'At the same time the marquis of Hartford, being in Somersetshire, inhibited the execution of the ordinance of the militia; and when they would, by the persuasion and encouragement of those who were by that authority named deputy-lieutenants, (who were for the most part clothiers, and men who, though they were rich, had not been before of power or reputation there,) summon and awe the county upon that pretence, his lordship, being assisted by his brother Seymour, the lord Pawlett, sir Ralph Hopton, sir John Stowell, and all the principal gentlemen of that county, declared his resolution to suppress them by force, according to the authority the King had granted to him; and in the mean time, with such horse as so many persons of honour, quality, and interest there had quickly
Aug. 13. gotten together, he dispersed great multitudes of them who were assembled near Wells. And thereupon his lordship, and three or four of the princi-
Aug. 30. pal gentlemen with him[1], were solemnly impeached of high treason by the House of Commons; and the earl of Bedford, their general of the horse, was sent down into the west, assisted with Mr. Hollis and with a formed army of horse, foot, and cannon, which was sure to be strongly reinforced by the disaffected of Somerset, to apprehend the marquis and the other grand delinquents, and to reduce those parts entirely to the devotion of the Parliament. And that his majesty might have nearer evidence of the state of the kingdom and what he was to expect, the earl of Northampton and other persons of honour, executing the commission of array in Warwickshire, where the lord Brooke governed, and to his power advanced the militia, having put a strong garrison into his own castle at Warwick: but the ordnance, which were coming from London for the better fortification of that castle, were intercepted by the earl at Banbury, and by a handful of men, and those on horseback too, were taken out of the castle of Banbury, John Fynes, a younger son of the lord Say's, who had the custody of them in that strong place, being persuaded, for avoiding the effusion of Christian blood, to deliver those unnecessary preparations for war; the which the earl was no sooner possessed of than he said he would conduct them to the place for which they were intended, and so carried them to Warwick, and planted them against the castle: for which his lordship was
Aug. 13. likewise as volubly accused of high treason as the marquis of Hartford had been. So that the King seeing the kingdom on fire in so many places, and so many of his faithful servants ready to be swallowed up by those whom

[1] [Lord Seymour, Lord Paulett, Hopton, and ten others.]

ready to march; because there were so many things to be done 1642
and perfected for the safety of that important place, that he was

he had not yet proclaimed to be rebels, he found it high time to remove from Beverley, and to profess a greater work than the reducing of Hull, for which he was yet so unready. And so he drew off his cannon, and the small force he had, (which were very few,) to York, to consider what was next to be done; being willing that the people of Yorkshire should believe that such alteration of counsel was not without a special care of them, lest, by his stay there, he might have made their country the seat of the war, which he was resolved to carry farther from them. And within very few days after the King's return to York, sir John Hotham suffered the lord Digby, (still in disguise,) and after him colonel Ashburnham, to make their escapes; which were good instances that he would have done more if the former design had been prosecuted. But after that, he pursued the interest of his new masters without any visible marks of other inclinations, till it was too late; of which in its place.

3. 'As soon as the King came to York, being assured from London that the earl of Essex's army grew apace, and that whole regiments, raised and designed (or pretended to be so) for Ireland, were by the authority of the Houses drawn under his command, so that he was like to be ready within twenty days to march, with an army which they were confident would fetch up the King to London, and that they who had declared themselves for him in the west were like to be oppressed, by reason the people were persuaded that the King really approved what the Parliament did, he resolved to lose no more time, but prepared to form an army; for the doing whereof he constituted a council of war, to sit every day. He had before declared the earl of Lyndsey his lieutenant general of the army, and now he made sir Jacob Ashley sergeant major general; the lord viscount Grandison and the earl of Carnarvan had commissions to raise regiments of horse, which were in a good forwardness; and now he made Mr. Wilmott commissary general of the horse; reserving the place of general of the horse for his nephew prince Rupert, whom he every day expected. Then he published a proclamation by which he declared the earl of Essex and all Aug. 9.
those who adhered to him to be traitors and rebels; published the commission granted by him to the marquis of Hartford, and required all his good subjects of those parts to assist his lordship and colonel Goring in the defence of Portsmouth, against all the rebels which should oppose either; and within two days after declared by another proclamation, bearing date Aug. 12.
the 12th day of August, that he would erect his royal standard at Nottingham on the 22nd of the same month, and therefore required all well-affected persons on the north side of Trent to repair thither, and to attend his person there on that day, from whence he resolved to advance forward for the suppression of the said rebellion, and the protection of his subjects from that slavery and insolence which threatened them. Between these two proclamations which are mentioned, there was another, of a seeming contradictory nature, of the tenth of that month, inhibiting all Popish Aug. 10.
recusants, or any other who refused to take the oaths of allegiance and supremacy, to resort to his army, disclaiming the service of all such; which

1642 desirous to be present himself at the work as long as was possible; in the mean time, he had given direction to his agent in

appeared very strange to many, that, being ready to be swallowed up by so strong and powerful a rebellion, he should refuse the aid and assistance of any of his subjects who had the loyalty and courage to come to him, and of those who, being proscribed and threatened to be extirpated by the rebels, and who already felt much of their tyranny, (the Papists' houses in all places being plundered or pulled down, with all circumstances of rage, by the parliament-soldiers,) were most like to oppose them with equal animosity. For though there might be a narrow room left to some to doubt, whether their designs against the King, the Church, and the law, were as bad as they seemed to be, there was no question but their resolutions were at least as severe against the Papists as they pretended: and I very well know that those of that religion have excused their want of zeal and alacrity to the King's service throughout this rebellion upon the King's disclaimer of their aid in that proclamation: but very unreasonably. All these objections and considerations were very obvious to the King at the time when that proclamation issued, when the Crown seemed to depend upon a force presently got together of what men soever; but it was very plain that the imputation raised by the Parliament upon the King, of an intention to bring in, or, which they thought all one, of conniving at and tolerating, Popery, did make a deep impression upon the people generally, and upon those whose affections were very entire (if their judgments had been equal) to the preservation of the peace and constitution of the kingdom. The known great interest of the Queen, and of those who were most powerful with her majesty; the public favours and connivance to the Papists in general in the late years, and the boldness and insolence of those of that profession much more than heretofore; the entertaining a public and avowed minister here from the Pope, and the having another resident for her majesty at Rome; inclined very moderate men to believe all the ill that could be spoken of the Papists; and their strength and number was then thought so vast within the kingdom, (which without doubt was a great error,) that if they should be drawn together and armed, under what pretence soever, they might not be willing to submit to the power which raised them, but be able to give the law both to King and Parliament; which, I say, was a very unskilful computation: however, it did prevail. On the other side, it was as confidently and as unreasonably believed, that if that foul scandal were removed of his majesty's receiving and entertaining Papists, (which it was thought that proclamation would do,) the Parliament would not be able to raise an army, at least not to make it march against the King. So that in this conjuncture of time, his majesty had reason to believe that the inhibiting that resort would for every fifty Papists it kept from his majesty's army supply him with one hundred Protestants, whereas the contrary would have made an equal addition to the enemy: which was so like reason, (though not it,) that it was one of those impositions which the spirit and temper of that time necessitated his majesty to submit to. Yet even at that time he took care that the principal persons of that profession, and they who were supposed

London to prepare all things for his equipage; so that he would 1642
be ready to appear at any rendezvous upon a day's warning.'

to have an influence upon the rest, should know that that act proceeded not from any signal displeasure against them, but out of conformity to that jealousy which themselves could not but observe his majesty was even obliged to comply with; and that it was indeed an act of great kindness and indulgence to them, that in the entrance into a war his majesty would not draw that party into so much envy (with the weight whereof they were already enough oppressed) as to have them taken notice of as a part of his strength. If a war should be prevented by a treaty and accommodation, they would find the benefit of such a reservation; if otherwise, and both parties were engaged in blood, he would expect they should with their utmost strength and united powers come to his assistance, according to the duty of subjects. In the mean time they might better serve him by their purse than their presence, which in truth (notwithstanding the formality of that proclamation) was no otherwise discountenanced than by not granting commissions for eminent command to men of that religion. Such as without noise were willing to list themselves as volunteers in the service were willingly received; and some such there were, though generally (as was said before) they took that pretence to sit unconcerned in the present distractions; such of them as had the skill to shelter themselves in London, living with all the quiet and security that could be desired, very many governing and the most active men amongst the rebels giving them assurance or intimation that, their main contention being for liberty of conscience, they should never deny that to others which they insisted on so much for themselves: and it is certain there was very little prosecution of the Catholics in London or any where else, otherwise than of those who were taken notice of to be inclined to the King's service.

4. 'Having thus published his resolutions and counsels, his majesty, for the better information of his people, set forth a very long Declaration to all Aug. 12.
his subjects, wherein he remembered them of all the acts of justice and grace he had consented to on their behalf this Parliament, by which they were in so happy a condition and security that it would be their own faults if they were ever miserable. He told them many particulars of the miscarriage of those factious persons who then governed in the two Houses of Parliament, and to whose ill and ambitious ends the power and authority of those two Houses was applied: how unreasonably they had imposed upon them, and traduced his majesty by their discourse of bringing up the army to London, and of other plots, of which there was no grounds; of their preaching and printing seditious sermons and pamphlets; and named some parishes [1] to which some of them had commended lecturers who were mechanic men and not in orders. He told them the reasons which he had been induced to accuse the lord Kimbolton and the five members of the House of Commons of high treason, and remembered them of the unheard of proceedings thereupon, and of their driving his majesty by force from

[1] ['Lewsham in Kent' is the only parish actually named.]

1642 Though the earl of Essex did much desire his company and assistance in the council of war, and preparing the articles, and

London; of all the other indignities and acts of violence he had suffered from them, and the pressures which the whole kingdom endured; and told them 'they might see by what rules they should live, and what right they were to enjoy, when those men had gotten the sway, who, in the infancy of their power, and when there was yet left some memory of and reverence to the laws under which their fathers lived so happily, durst leap over all those known and confessed principles of government and obedience, and exercise a tyranny both over prince and people more insupportable than confusion itself.' He said, 'all men had heard those men say that the alteration they intended, and which was necessary both in Church and State, must be made by blood. Their principles by which they lived were destructive to all laws and compacts. Every thing was necessary which they thought so, and every thing lawful that was in order to that necessity.' His majesty asked, 'what one thing he had denied that with reference to the public peace and happiness was to be bought with the loss of the meanest subject? And yet into what a sea of blood was the rage and fury of those men launching out, to wrest that from his majesty which (he said) he was bound (if he had one thousand lives to lose in the contention) to defend? Nay, what one thing was there that makes life precious to good men which he did not defend, and these men oppose, and would evidently destroy? What grievance or pressure had the people complained of, and been eased by his majesty, which was not now brought upon them in an unlimited degree? Was the true reformed Protestant religion, sealed by the blood of so many reverend martyrs, and established by the wisdom and piety of former blessed Parliaments, dear to them? His majesty appealed to all the world, (being called upon by the reproaches of those men,) whether his own practice, (the best evidence of religion,) and all the assistance and offers he could give, had been wanting to the advancement of that religion? On the other side, all his good subjects might consider and weigh what pregnant arguments they had to fear innovation in religion if those desperate persons should prevail, when the principal men, to whose care and industry they had committed the managery of that part, refused communion with the Church of England as much as the Papists do; when such licence was given to Brownists, Anabaptists, sectaries, and whilst coachmen, felt-makers, and such mechanic persons, were allowed and entertained to preach, by those who thought themselves the principal members of either House; when such barbarous outrages in churches, and heathenish irreverence and uproars, even in the time of divine service and the administration of the blessed sacrament, were practised without control; when the blessed means of advancing religion, the preaching of the Word of God, was turned into a licence of libelling, and reviling both Church and State, and venting such seditious positions as by the law of the land were no less than treason, and scarce a man in reputation and credit with those grand reformers who was not notoriously guilty of this; whilst those learned, reverend, painful, and pious preachers, who had been and still were the most eminent and able assertors of the Protes-

forming the discipline for the army, he having been more lately 1642
versed in the order and rule of marches, and the provisions

tant religion, were (to the unspeakable joy of the adversaries of our religion) disregarded and oppressed. Would men enjoy the laws they were born to? the liberty and property, which makes the subjection of this nation famous and honourable with all neighbouring kingdoms?' His majesty said, 'he had done his part to make a wall of brass for the perpetual defence of them, whilst those ill men usurped a power to undermine that wall, and to shake those foundations which could not be pulled down but to the confusion of the law, liberty, property, and the very life and being of his subjects. Had the people suffered under and been oppressed by the exercise of an arbitrary power, and out of a sense of those sufferings his majesty had consented to take away the Star-Chamber and High-Commission courts, to regulate the Council-table, and to apply any remedies that had been proposed to him for that disease; and had not those men doubled those pressures in the latitude and unlimitedness of their proceeding, in their orders for the observation of the law, as they pretend, and their punishing men for not obeying those orders in a way and degree the law doth not prescribe; in the sending for the subject upon general informations without proof, and for offences which the law takes no notice of; in declaring men enemies to the commonwealth, fining and imprisoning them for doing or not doing that which no known law enjoined or condemned? Were the purs[u]ivants of the Council-table, the delay and attendance there, or at the High-Commission court, the judgments and decrees of the Star-Chamber, more grievous, grievous to more persons, more chargeable, more intolerable, than the sergeants' and officers' fees, the attendance upon the Houses or upon committees, or than the votes and judgments which had lately passed in one or both Houses? Though the sentences in the other courts had possibly been in some cases too severe, and exceeded the measure of the offence, there had been still an offence, somewhat done that in truth was a crime; but now, declarations, votes, and judgments passed upon the people for matters not suspected to be crimes till they were punished. Was the dignity, privilege, and freedom of Parliaments (Parliaments, whose wisdom and gravity had prepared so many wholesome laws, and whose freedom distinguishes the condition of his majesty's subjects from those of any monarchy in Europe) precious to the people? Where was that freedom and that privilege, when the House of Commons presumed to make laws without the House of Peers, as they had done in their vote upon the Protestation, and of the ninth of September; when the House of Commons and the House of Peers presumed to make laws without his majesty's consent, as they had done in the business of the militia, of Hull, and other particulars? Where was that freedom and privilege, when alderman Pennington and captain Venn brought down their myrmidons to assault and terrify the members of both Houses whose faces or whose opinions they liked not, and by that army to awe the Parliament, [and] when Mr. Hollis required the names of those lords who would not agree with the House of Commons? Where was that freedom and privilege of Parliament, when members of the one House

1642 necessary or convenient thereunto, than any man then in their service, and of greater command than any man but the general,

[who] had been questioned for words spoken in that House, and one freed, the other but reprehended by vote of the major part, were again questioned by the other House, and a charge brought against them for those words? Was honour, reputation, freedom, and civility to be esteemed? What causeless defamations had been raised and entertained upon persons of quality and unblemished estimation, upon [no] grounds or appearance of reason, but because their opinions ran not with the torrent? What caresses had been and were still made to persons loose, vicious, and debauched, of no virtue, no religion, no reputation, but of malice and ingratitude to his majesty?' He said, 'their names would be easily found out by all men's observation and their own blushes, though they should not have the honour of his mention. How had the laws of hospitality and civility been violated, the freedom and liberty of conversation (the pleasure and delight of life) been invaded by them; the discourses at tables, whispers in gardens and walks, examined, and of persons under no accusation; letters broken up, (his majesty's own to his dearest consort the Queen not spared,) read publicly, and commented upon, with such circumstances as made Christendom laugh at our follies and abhor our correspondence? Was the constitution of the kingdom to be preserved and monarchy itself upheld? Nothing could be more evident, than that the end of those men was, or the conclusion that must attend their premises must be, to introduce a parity and confusion of all degrees and conditions; several books and papers had been published by their direction, at least under their countenance, against monarchy itself.' He asked, 'whether it were possible for him to be made vile and contemptible, and his subjects to continue as they were, or, that his just power could be taken from him and they enjoy their liberties?' He said, 'whosoever was a friend to the constitution of the kingdom must be an enemy to these men.' After enforcing many considerations of this nature, and mentioning many extravagant acts done by them, he said, 'he had often expressed what his opinion and resolution was concerning Parliaments. He had said, and he would still say, that they were so essential a part of the constitution of the kingdom, that he could attain to no happiness without them, nor would he ever make the least attempt in his thought against them. He well knew that himself and the two Houses made up the Parliament, and that they were like Hippocrates' twins, they must laugh and cry, live and die together; that no man could be a friend to the one and an enemy to the other. The injustice, injury, and violence offered to Parliaments, was that which he principally complained of: and his majesty again assured all his good subjects, in the presence of Almighty God, that all the acts passed by him this Parliament should be equally observed by him as he desired those to be which most concerned his rights. He said, 'his quarrel was not against the Parliament, but against particular men, who first made the wounds, and would not now suffer them to be healed, but made them deeper and wider by contriving, fostering, and fomenting mistakes and jealousies betwixt body

yet the lord Mandevill prevailed that he might not be sent for till 1642
things were riper for action. And when that lord did after-

and head, his majesty and his two Houses of Parliament; which persons he would name, and was ready to prove them guilty of high treason. He desired that the lord Kimbolton, Mr. Hollis, Mr. Pim, Mr. Hambden, sir Arthur Haslerigg, Mr. Strowd, Mr. Martin, sir Henry Ludlow, alderman Pennington, and captain Venn, might be delivered into the hands of justice, to be tried by their peers, according to the known laws of the land. If he did not prove them guilty of high treason, they would be acquitted, and [their[1]] innocence justly triumph over [him[2]]. Against the earl of Warwick, earl of Essex, earl of Stamford, lord Brooke, sir John Hotham, sergeant major general Skippon, and those who should from that time exercise the militia by virtue of the ordinance,' he said, 'he would cause indictments to be drawn of high treason, upon the statute of the 25th year of Edward the Third. If they submitted to their trial appointed by the law, and upon pleading their ordinances should be acquitted, his majesty had done. And that all men might know, that in truth nothing but the preservation of the true Protestant religion invaded by Brownism, Anabaptism, and libertinism, the safety of his person threatened and conspired against by rebellion and treason, the law of the land and liberty of the subject oppressed and almost destroyed by an unlimited arbitrary power, and the freedom, privilege, and dignity of Parliament awed and insulted upon by force and tumults, could make his majesty put off his long loved robe of peace, and take up defensive arms, his majesty once more offered a free and gracious pardon to all his loving subjects who should desire the same, (except the persons before named,) and should be as glad with safety and honour to lay down those arms, as of the greatest blessing he was capable of in this world. But if, to justify those actions and those persons, any of his subjects should think fit to engage themselves in a war against him,' he said, 'he must not look upon it as an act of his Parliament, but as a rebellion against his majesty and the law in the behalf of those men, and would proceed for the suppressing it with the same conscience and courage as he would meet an army of rebels who endeavoured to destroy both King and people; and he would not doubt to find honest men enough of his mind.'

5. 'All thoughts were now applied to action, and the King himself resolved speedily to move southward. Calling therefore the persons of honour and quality of Yorkshire before him, he acquainted them with his Aug. 4.
purpose, and wished them to consider what was most in order to their own safety, and for the preservation of their county from the incursions of Hull; for the better doing whereof, he would leave the earl of Cumberland, the most popular and loved man of that country, to be his lieutenant, and would readily gratify them in consenting to any other propositions they should make on their own behalfs; desiring only from them such a supply of arms as they could conveniently spare from their private armouries, for the public had no magazine, and that they would furnish some horse for the completing the prince's regiment. Some arms they

[1] ['his,' MS.] [2] ['them,' MS.]

1642 wards write to him that it was time he should come away, he sent such new and reasonable excuses that they were not unsatisfied with his delay, till he had multiplied those excuses so long that they began to suspect, and they no sooner inclined to suspicion but they met with abundant arguments to cherish it. His behaviour and course of life was very notorious to all the neighbours, nor was he at all reserved in his mirth and public discourses, to conceal his opinion of the Parliament and their proceedings. So that, at last, the lord Mandevill writ plainly to him that he could no longer excuse his absence from the army, where he was much wanted; and that if he did not come to London by such a short day as he named, he found his integrity would be doubted, and that many things were laid to his charge, of which he doubted not his innocence; and therefore conjured him immediately to be at Westminster. It being now no longer to be deferred or put off, he writ a jolly letter to the lord, 'that the truth was, his counsel advised him that the Parliament did many things which were illegal, and that he might incur much danger by obeying all their orders; that he had received the command of that garrison from the King, and that he durst not be absent from it without his leave:' and concluded with some good counsel to the lord.

442. This declaration of a place which had the reputation of

did gather together, (not above four or five hundred;) for they durst not, for the unpopularity of it, think of disarming the train-bands, though they knew they would at best be useless to the defence of the county, if not employed against it, and would have been a full supply to his majesty; and furnished two or three troops of good horse for the prince's regiment, the titular command whereof was under the earl of Cumberland, but governed and conducted by sir Thomas Byron, a very valiant and experienced officer; and desired nothing else from his majesty but that he would leave sir Thomas Glemham with them, to direct them in any preparations military, and to command under the earl of Cumberland, if they should be attempted by force; presuming they should be able, upon their own interest and the good affections of the people, to raise strength enough for their defence if sir John Hotham from Hull should disquiet them. I cannot omit one circumstance at his majesty's leaving York, as an instance how different the passions of those who really and cordially affected his majesty and his cause were from theirs at London who were devising his destruction. There were very few gentlemen, or men of any quality,' (&c. *as in* § 446).]

being the only place of strength in England, and situated upon the sea, put them into many apprehensions; and they lost no time in endeavouring to reduce [it], but, upon the first understanding his resolution, sir William Waller was sent, with a good part of the army, so to block up the place that neither men or provisions might be able to get in, and some ships were sent from the fleet, to prevent any relief by sea: and these advertisements came to the King as soon as he returned to York. 1642

443. It gave no small reputation to his majesty's affairs, when there was so great a damp upon the spirits of men upon the misadventures at Beverley, that so notable a place as Portsmouth had declared for him in the very beginning of the war, and that so good an officer as Goring was returned to his duty, and in the possession of the town: and the King, who was not surprised with the matter, knowing well the resolution of the colonel, made[1] no doubt but that he was very well supplied with all things, as he might well have been, to have given the rebels work for three or four months at the least. However, he forthwith published a Declaration, that had been long ready, in which he recapitulated all the insolent and rebellious actions which the two Houses had committed against him, and declared them to be guilty, and forbad all his subjects to yield any obedience to them: and at the same time published his proclamation by which he required all men who could bear arms to repair to him at Nottingham by the 25th day of August following; on which day he would set up his royal standard[2] there, which all good subjects were obliged to attend. And at the same time he sent the marquis of Hartford to raise forces in the west, or at least to restrain those parts, where his interest and reputation was greater than any man's, within the limits of their duty to the King, and from being corrupted or perverted by the Parliament; and with him went the lord Seymour, his brother, the lord Pawlett, Hopton, Stowell, Coventry, Barkley, Windham, and some other gentlemen of the prime quality and interest in Aug. 12.

[1] ['and made,' MS.]

[2] [In the passages taken from the *Life* the word 'standard' is always written by Clarendon as 'standart'; in the *Hist.*, the earlier MS., he always writes 'standard.']

1642 the western parts, and who were like to give as good examples in their persons, and to be followed by as many men, as any such number of gentlemen in England could be. And from this party, enlivened by the power and reputation of the marquis, the King was in hope that Portsmouth would be shortly relieved, and made the head-quarter to a good army. And when all this was done, he did all that was possible to be done without money to hasten his levies of horse and foot, and to prepare a light train of artillery, that he might appear at Nottingham, at the day when the standard was to be set up, with such a body of men as might be at the least a competent guard to his person.

444. Many were then of opinion that it had been more for his majesty's benefit and service if the standard had been appointed to be set up at York; and so that the King had stayed there, without moving further south, until he could have marched in the head of an army, and not to depend upon gathering an army up in his march. All the northern counties were at present most at his devotion, and so it would be most easy to raise men there: Newcastle was the only port in his obedience, and whither he had appointed his supplies of arms and ammunition to be sent; of which he had so present need, that all his magazine which was brought in the Providence was already distributed to those few gentlemen who had received commissions, and were most like speedily to raise their regiments; and it would be a very long, and might prove a very dangerous, passage to get the supplies, which were daily expected, to be brought with security from Newcastle, when the King should be advanced so many days' journey beyond York. All which were very important considerations, and ought to have prevailed; but the King's inclination to be nearer London, and the expectation he had of great effects from Portsmouth and the west, disposed him to a willingness to prefer Nottingham; but that which determined the point was an apparent and manifest aversion in the Yorkshire gentlemen whose affections were least suspected that his majesty should continue and remain at York; which, they said, the people apprehended would inevitably make

that country the seat of the war, unskilfully imagining that the war would be nowhere but where the King's army was; and therefore they facilitated all things which might contribute to his remove from thence; undertook to provide convoys for any arms and ammunition from Newcastle, to hasten the levies in their own country, and to borrow of the arms of some of the train-bands, which was the best expedient that could be found out to arm the King's troops, and had its reverse in the murmurs it produced, and in leaving the best affected men, by being disarmed, at the mercy of their enemies, who carefully kept their weapons, that they might be ready to fight against the King. This caused the resolution to be taken for Nottingham, without enough weighing the objections, which upon the entrance into great actions cannot be too much deliberated, though in the execution they shall be best shut out. And it quickly appeared in those very men who prevailed most in that counsel; for, when the time drew on in which his majesty was to depart and leave the country, then they remembered that the garrison of Hull would be left as a thorn in their sides, where there were well formed and active troops, which might march over the country without control, and come into York itself without resistance; that there were many disaffected persons of quality and interest in the country, who as soon as the King should be gone would appear amongst their neighbours, and find a concurrence from them in their worst designs; and that there were some places, some whole corporations, so notoriously disaffected, especially in matters relating to the Church, that they wanted only conductors to carry them into rebellion. 1642

445. These and the like reflections made too late impressions upon them; and now, too much they magnified this man's power whom before they contemned, and doubted that man's affection of which they were before secure; and made a thousand propositions to the King this day, whereof they rejected the greatest part to-morrow; and as the day approached nearer for the King's departure, their apprehensions and irresolutions increased. In the end, they were united in two requests to the King; that he would commit the supreme command of the country, with

1642 reference to all military affairs, to the earl of Cumberland, and qualify him with an ample commission to that purpose: the other, that his majesty would command sir Thomas Glemham to remain with them, to govern and command such forces as the earl of Cumberland should find necessary for their defence: and this provision being made by the King, they obliged themselves to concur in making any preparations and forming any forces the earl should require. And his majesty as willingly gratified them in both their desires. The earl of Cumberland was a man of great honour and integrity, who had all his estate in that country, and had lived most amongst them, with very much acceptation and affection from the gentlemen and the common people: but he was not in any degree active, or of a martial temper, and rather a man more like not to have many enemies than to oblige any to be firmly and resolutely his friends or to pursue his interests: the great fortune of the family was divided, and the greater part of it carried away by an heir female; and his father had so wasted the remainder that the earl could not live with that lustre, nor draw so great a dependence upon him, as his ancestors had done. In a word, he was a man of honour, and popular enough in peace, but not endued with those parts which were necessary for such a season. Sir Thomas Glemham was a gentleman of a noble extraction and a fair fortune, though he had much impaired it; he had spent many years in armies beyond the seas, and he had been an officer of very good esteem in the King's armies, and of courage and integrity unquestionable; but he was not of so stirring and active a nature as to be able to infuse fire enough into the phlegmatic constitutions of that people, who did rather wish to be spectators of the war than parties in it, and believed if they did not provoke the other party they might all live quietly together; until sir John Hotham by his excursions and depredations out of Hull, and their seditious neighbours by their insurrections, awakened them out of that pleasant dream; and then the greatest part of the gentry of that populous country, and very many of the common people, did behave themselves with signal fidelity and courage in the King's service: of all which particulars, which deserve well to

be remembered and transmitted to posterity, there will be occa- 1642
sion to make mention in the following discourse[1].

446[2]. Yet I cannot leave York without the mention of one particular, which, in truth, is too lively an instance of the spirit and temper of that time, and was a sad presage of all the misfortunes which followed. There were very few gentlemen, or men of any quality, in that large county who were actively or factiously disaffected to his majesty; and of those the lord Fairfax, and his son, sir Thomas Fairfax, were the chief, who were governed by two or three of inferior quality, more conversant with the people, who were as well known as they. All these were in the county, at their houses, within few miles of York; and the King resolved, at his going away, to have taken them all prisoners and to have put them in safe custody; by which it was very probable those mischieves that shortly after broke out might have been prevented. But the gentlemen of the county, who were met together to consult for their own security, hearing of this design, besought his majesty not to do it; alleging that he would thereby leave them in a worse condition, by an act so ungracious and unpopular; and that the disaffected would be so far from being weakened that their party would be increased thereby; many really believing that neither father or son were transported with over-vehement inclinations to the Parliament, but would willingly sit still, without being active on either side; which, no doubt, was a policy that many of those who wished well desired and intended to be safe by. And so his majesty left York, taking with him only two or three of inferior rank, (whereof one Stapleton was one,) who were known to have been very active in stirring the people to sedition; and yet, upon some specious pretences, some very good men were persuaded, within few days, to procure the liberty and enlargement even of those from his majesty. So ticklish were those times, and so wary were all men to advise the King should do

[1] [This paragraph, taken from the *Life*, originally ended thus in the MS.:—'there will be no occasion to make any mention in this discourse, Mr. Hyde having never been in those Northern parts from the time that the King left York and went to Nottingham.']

[2] [This section is from the *Hist.*, p. 256.]

1642 any thing which, upon the strictest inquisition, might seem to swerve from the strict rule of the law; believing, unreasonably, that the softest and gentlest remedies might be most wholesomely applied to those rough and violent diseases[1].

[1] [The *Hist.* (pp. 256–7) continues here as follows:—

'The King having left York, and the day not yet come for the setting up
Aug. 19. his standard, thought not fit to stay at Nottingham, but went farther southward, to countenance the small force the earl of Northampton had drawn together at Warwick; and lodging at Stonely within four miles of Coventry, he thought it convenient to possess himself of that city, which, though encompassed with an old wall, having no garrison in it, he thought no hard matter to do; and therefore sending overnight thither
Aug. 20, that he would dine there the next day, he went in the morning towards it.
Saturday. But when he came thither, he found the gates shut against him, and the wall manned with armed men, the council of the city having resolved, upon consideration of the declaration and votes of the Parliament, that his entrance should be opposed; and when some of his servants and attendants (for he had only horse with him) rode nearer the gate and walls than they within thought fit, they discharged some iron cannon they had planted, and thereby killed two or three horses, and hurt very dangerously a gentleman or two of note. Whereupon the King, being in no posture to force his way, was compelled, with this new indignity, to retire to his last
Aug. 22, lodging, and the next day towards Nottingham; the earl of Northampton
Monday. being at the same time forced to draw off his cannon and small force from Warwick, by reason of a party of three thousand foot, with two or three troops of horse, from the Parliament, which were then marching that way, and intended to put themselves into Coventry, being commanded by colonel Ballard, (a soldier of a good reputation and great trust with the earl of Essex,) who was assisted and countenanced with Mr. Hambden, his regiment being near a third of their number. The King's horse, under the command of commissary general Wilmott, were not then above eight hundred, who were to join with those under the earl of Northampton upon their retreat, and so to give any annoyance they found reasonable to the enemy, which was thought to be reasonably within their power; for though the number of their foot was not considerable to that of the enemy, yet the horse was more than double, and the enemy's march to be unavoidably over a fair champaign[1], unguarded with hedges or banks, so that, their horse being beaten, the foot would easily have been dispersed. But, whether by mistake of orders and messages, or the piques between the commanders, (for those under the earl of Northampton were commanded by sir Nic. Byron, who, being the elder soldier, thought it not agreeable to receive orders from Mr. Wilmott, who yet took himself to have the undoubted command,) those parties never met; but the earl of Northampton marching another way, Mr. Wilmott thought not fit to engage those horse under his command (being all the force considerable the King had yet raised) against so unequal a party of the enemy, which, without ques-

[1] ['champyon,' MS.]

447. The King came to Nottingham two or three days before the day he had appointed to set up the standard; having taken Lincoln in his way, and drawn some arms from the train-bands of that country with him to Nottingham; from whence the next day he went to take a view of his horse, whereof there were several troops well armed, and under good officers, to the number of seven or eight hundred men; with which, being informed that there were some regiments of foot marching towards Coventry, by the earl of Essex his orders, he made haste thither; making little doubt but that he should be able to get thither before them, and so to possess himself of that city; and he did get thither the day before they came, but found not only the gates shut against him, but some of his servants shot and 1642 Aug. 19. Aug. 16. Aug. 20.

tion, was the most prudent and justifiable counsel, (all things considered,) though there wanted not some then that imputed it to want of mettle, and looked upon it as the loss of a great advantage; and it may be, by the want of courage that in the infancy of the war was in most of the Parliament-forces, if they had been then stoutly charged by those horse they might have been routed, which, without doubt, would have exceedingly exalted the King's hopes, and cast down and dejected the hearts of the Parliament; the contrary whereof fell out: for those forces marching over the plain within half cannon-shot of our horse, and making some shot at them, went with incredible triumph into Coventry, where they were received with equal acclamation; and Mr. Wilmott, without any other loss than of capt. Legg, (who was unfortunately taken prisoner by riding amongst their men, after the compassing a hill, taking them for our own,) fairly and soldierly retired to Leicester; whither prince Rupert came the same day, to take his charge as general of the horse, having, together with his brother prince Maurice and some gentlemen and inferior officers, transported himself in a States' man of war to Newcastle, from whence he made all haste to York; and finding his majesty departed thence, came to him at Leicester at the same time when the horse had retreated thither; where the King left him, and came himself to Nottingham, the day he had appointed for the setting up of his standard. And albeit he found the appearance there to be much less than he expected, and many were of opinion that the setting up the standard should be respited for some few days, till his numbers increased, his majesty, wisely considering that it would beget great insolence in the rebels and publish his weakness to all the people, would not defer it an hour, but as soon as he came to the town went himself, attended by all the train he could make, to the top of the castle-hill of Nottingham, (which is a place of a very eminent and pleasant prospect,) and there fixed his royal standard; when indeed all the foot which he had yet drawn together were not a sufficient guard to have constantly attended the standard.'] Aug. 23[1].

[1] [*Lords' Journals*, V. 321.]

1642 wounded from the walls: nor could all his messages and summons prevail with the mayor and magistrates, (before there was any garrison there,) to suffer the King to enter into the city. So great an interest and reputation the Parliament had gotten over the affections of the people, whose hearts were alienated from any reverence to the government.

Aug. 20. 448. The King could not remedy the affront, but went that night to Stonely, the house then of sir Thomas Lee, where he Aug. 22. was well received; and the next day, his body of horse, having a clear view upon an open *campania* for five or six miles together of the [enemy's] small body of foot, which consisted not of above 1200 men, with one troop of horse which marched with them over that plain, retired before them, without giving them one charge; which was imputed to the lashty[1] of Wilmott, who commanded, and had a colder courage than many who were under him, and who were of opinion that they might have easily defeated that body of foot: which would have been a very seasonable victory, would have put Coventry unquestionably into the King's hands, and sent him with a good omen to the setting up of his standard. Whereas, that unhappy retreat, which looked like a defeat, and the rebellious behaviour of Coventry, made his majesty's return to Nottingham very Aug. 22. melancholic; and he returned thither the very day the standard was appointed to be set up.

449. According to the proclamation, upon the twenty-fifth[2] day of August the standard was erected, about six of the clock[3] in the evening of a very stormy and tempestuous day. The King himself, with a small train, rode to the top of the castle-hill, Varney the knight-marshal, who was standard-bearer, carrying the standard, which was then erected in that place, with little other ceremony than the sound of drums and trumpets. Melancholic men observed many ill presages about that time. There was not one regiment of foot yet levied and

[1] [*i.e.* inertness, laxity. '*Lashness*; slackness, dulness:' Halliwell's *Glossary*.]

[2] [*sic*. See the beginning of the next book.]

[3] ['7 p m.' Ashmole MS., Bodl. Libr., CCXLIII, 163 b.]

brought thither; so that the train-bands, which the shrieve had 1642
drawn thither, was all the strength the King had for his person and the guard of the standard. There appeared no conflux of men in obedience to the proclamation; the arms and ammunition were not yet come from York, and a general sadness covered the whole town, and the King himself appeared more melancholic than he used to be. The standard itself was blown down the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two till the tempest was allayed[1].

And this was the melancholic state of the King's affairs when the standard was set up.

[1] [An account of the surrender of Portsmouth follows here in the MS. of the *Life*. This is now given in the note to § 32 in the next book.]

THE END OF THE FIFTH BOOK.

BOOK VI[1].

1642 Aug. 22. 1. When the King set up his standard at Nottingham, which was the 22nd[2] of August, as is before remembered, he found the place much emptier than he thought the fame of his standard

[1] [This book is headed by Clarendon 'Lib. 6,' although the preceding is called 'Lib. 4'; it is dated, 'Jarsy, Castle Eliz., June 23, 1647.' And eighty pages are omitted in the author's own pagination, which leaps on at once from p. 262, a blank page, to p. 343, while the narrative remains unbroken. These pages were left for an intended fifth book, of which the outline remains in a paper of memoranda of events noticed in books III–VII, in Hyde's own hand (*Cal. Clar. S. P.* 1872, I. 503). It runs as follows:—

'Lib. V.

'Introduction, and summing up the case.
Originall institution and growth of Parliaments.
Jurisdiction and power.
Ordinances.
Negative voyce.
Power of the Crowne.
Mili[ti]a.
Great Seale.
Episcopacy, and power of Bishopps, &c.; intermixture and relation betweene the Ecclesiasticall and Civill State.'

(See also *Clar. S. P.* 1773, II. 334, but the paper there described in the note does not appear to coincide with this outline. That paper is probably the one numbered 2079 in the *Calendar of the Clar. S. P.*, I. 295, and which was printed anonymously in 1645 under the title which it bears in the MS., 'Transcendent and multiplied rebellion and treason, discovered by the lawes of the land.' We have therefore in that tract a second hitherto unknown publication of Clarendon's, in addition to the one noticed in the preface to vol. III of the *Calendar*.) In consequence of the omission of this proposed Essay on Parliament and the connection of Church and State (which is not found in any way noticed in the contemporary copy of books I–VII by Hyde's secretaries), the earlier books were subsequently re-divided and the original numbers were altered. The date of the erection of the standard is given correctly in the paper of memoranda: 'Standard sett up the 22. August.']

[2] [This, the correct date, was originally written in the MS., but, strangely enough, it was afterwards altered by Clarendon to '25.' In the *Life*, from which sections 443, 449 of book V are taken, written twenty-two years later, the wrong date is given; but passages still remain in

would have suffered it to be; and received intelligence the next day that the rebels' army, (for such now he had declared them,) was, horse, foot, and cannon, at Northampton, besides that great party which in the end of the [fifth [1]] book we left at Coventry: whereas his few cannon and ammunition were still at York, being neither yet in an equipage to march, (though sir John Heydon, his majesty's faithful lieutenant general of the ordnance, used all possible diligence to form and prepare it,) neither were there foot enough levied to guard it: and at Nottingham (besides some few of the train-bands, which sir John Digby, the active shrieve of that county, drew into the old ruinous castle there,) there were not of foot levied for the service yet three hundred men. So that they who were not overmuch given to fear, finding very many places in that great river, (which was looked upon as the only strength and security of the town,) to be easily fordable, and nothing towards an army for defence but the standard set up, began sadly to apprehend the danger of the King's own person, insomuch that sir Ja[cob] Ashly, (his sergeant-major-general of his intended army,) told him that he could not give any assurance against his majesty's being taken out of his bed if the rebels should make a brisk attempt to that purpose. And it was evident all the strength he had to depend upon was his horse, which were under the command of prince Rupert at Leicester, and were not at that time in number above eight hundred, few better armed than with swords; whilst the enemy had, within less than twenty miles of that place, double the number of horse (excellently armed and appointed) and a body of five thousand foot well trained and disciplined; so that, no doubt, if they had advanced, they might at least have dispersed those few troops of the King's, and driven his majesty to a greater distance, and exposed him to notable hazards and inconveniences. 1642

the *Hist.* which say that the standard was erected on the day fixed by the proclamation, and that his message of August 25 was sent on the third day after. See § 10, *infra*. The explanation of the discrepancy appears to be found in some degree in the fact that the standard was erected with the same formality on three successive days, Aug. 22–24.]

[1] ['4th,' MS.]

1642 2. When men were almost confounded with this prospect, his majesty received intelligence that Portsmouth was so straitly besieged by sea and land that it would be reduced in very few days, except it were relieved. For the truth is, colonel Goring, though he had sufficient warning, and sufficient supplies of money to put that place into a posture, had relied too much upon probable and casual assistance, and neglected to do that himself [which] a vigilant officer would have done: and albeit his chief dependence was both for money and provisions from the Isle of Wight, yet he was careless to secure those small castles and blockhouses which guarded the river, which, revolting to the Parliament as soon as he declared for the King, cut off all those unreasonable dependences; so that he had neither men enough to do ordinary duty, nor provisions enough for those few for any considerable time. And at the same time with this of Portsmouth, arrived certain advertisements that the marquis of Hartford, and all his forces in the west, from whom only the King hoped that Portsmouth should be relieved, was driven out of Somersetshire, (where his power and interest was believed unquestionable,) into Dorsetshire, and there besieged in Sherborne castle.

3. The marquis, after he left the King at Beverley, by ordinary journeys, and without making any long stay by the way, came to Bath, upon the very edge of Somersetshire, at the time when the general assizes were there held; where, meeting all the considerable gentlemen of that great county, and finding them well affected to the King's service, except very few who were sufficiently known, he entered into the consultation with them (from whom he was to expect assistance,) in what place he should most conveniently fix himself for the better disposing the affections of the people, and to raise a strength for the resistance of any attempt which the Parliament might make, either against them, or to disturb the peace of the country by their ordinance of the militia, which was the first power they were like to hear of. Some were of opinion that Bristol would be the fittest place, being a great, rich, and populous city; of which being once possessed, they should be easily able to give the law to Somerset

and Gloucestershire, and could not receive any affront by a sudden or tumultuary insurrection of the people. And if this advice had been followed, it would probably have proved very prosperous. But on the contrary it was objected, that it was not evident that his lordship's reception into that city would be such as was expected, Mr. Hollis being lieutenant thereof and having exercised the militia there, and there being visibly many disaffected people in it, and some of eminent quality; and if he should attempt to go thither, and be disappointed, it would break the whole design: then, that it was out of the county of Somerset, and therefore that they could not draw that people thither; besides, that it would look like fear and suspicion of their own power, to put themselves into a walled town, as if they feared the power of the other party would be able to oppress them; whereas, besides Popham and Horner, all the gentlemen of eminent quality and fortune of Somerset were either present with the marquis or presumed not to be inclined to the Parliament. And therefore they proposed that Wells, being a pleasant city, in the heart and near the centre of that county, might be chosen for his lordship's residence. Which was accordingly agreed on, and thither the marquis and his train went, sending for the nearest train-bands to appear before him, and presuming that, in little time, by the industry of the gentlemen present, and his lordship's reputation, (which was very great,) the affections of the people would be so much wrought upon, and their understandings so well informed, that it would not be in the power of the Parliament to pervert them, or to make ill impressions in them towards his majesty's service. 1642 Aug. 1.

4. Whilst his lordship in this gentle way endeavoured to compose the fears and apprehensions of the people, and by doing all things in a peaceable way, and according to the rules of the known laws, to convince all men of the justice and integrity of his majesty's proceedings and royal intentions; the other party, according to their usual confidence and activity, wrought underhand to persuade the people that the marquis was come down to put the commission of array in execution, by which commis-

1642 sion a great part of the estate of every farmer or substantial yeoman should be taken from them; alleging that some lords had said that £20 by the year was enough for any peasant to live by; and so, taking advantage of the commission's being in Latin, translated it into what English they pleased; persuading the substantial yeomen and freeholders that at least two parts of their estates would by that commission be taken from them, and the meaner and poorer sort of people that they were to pay a tax for one day's labour in the week to the King; and that all should be, upon the matter, no better than slaves to the lords, and that there was no way to free and preserve themselves from this insupportable tyranny than by adhering to the Parliament, and submitting to the ordinance for the militia, which was purposely prepared to enable them to resist these horrid invasions of their liberties.

5. It is not easily believed how these gross infusions generally prevailed. For though the gentlemen of ancient families and estates in that county were for the most part well affected to the King, and easily discerned by what faction the Parliament was governed, yet there were a people of an inferior degree, who, by good husbandry, clothing, and other thriving arts, had gotten very great fortunes, and, by degrees getting themselves into the gentlemen's estates, were angry that they found not themselves in the same esteem and reputation with those whose estates they had; and therefore, with more industry than the other, studied all ways to make themselves considerable. These from the beginning were fast friends to the Parliament, and many of them were now intrusted by them as deputy-lieutenants in their new ordinance of the militia; and having found when the people were ripe, gathered them together, with a purpose on a sudden, before there should be any suspicion, to surround and surprise the marquis at Wells. For they had always this advantage of the King's party and his counsels, that their resolutions were no sooner published than they were ready to be executed, there being an absolute implicit obedience in the inferior sort to those who were to command them, and their private agents, with admirable industry and secrecy, preparing all persons and

things ready against a call. Whereas all the King's counsels were with great formality deliberated before concluded: and then, with equal formality and precise caution of the law, executed; there being no other way to weigh down the prejudice that was contracted against the Court but by the most barefaced publishing all conclusions, and fitting them to that apparent justice and reason that might prevail over the most ordinary understandings. 1642

6. When the marquis was thus in the midst of an enemy that almost covered the whole kingdom, his whole strength was a troop of horse, raised by Mr. John Digby, son to the earl of Bristol, and another by sir Francis Hawly, (both which were levied in those parts to attend the King in the north,) and a troop of horse and a small troop of dragoons raised and armed by sir Ralph Hopton at his own charge, and about one hundred foot gathered up by lieutenant-colonel Harry Lunsford towards a regiment, which were likewise to have marched to the King. These, with the lord Paulett, and the gentlemen of the country, (which were about eight and twenty of the prime quality there,) with their servants and retinue, made up the marquis's force. Then their proceedings were, with that rare caution, that upon advertisement that the active ministers of that party had appointed a general meeting at a town[1] within few miles of Wells, sir Ralph Hopton being advised with his small troop and some volunteer gentlemen to repair thither and to disappoint that convention, and to take care that it might produce the least prejudice to the King's service; before he reached the place, those gentlemen who stayed behind, and by whose advice the marquis thought it necessary absolutely to govern himself, that they might see all possible wariness was used in the entrance into a war which, being once entered into, he well knew must be carried on another way, sent him word that he should forbear any hostile act, otherwise they would disclaim whatsoever he should do. Whereas otherwise the courage and Wedn. Aug. 3[2].

[1] [Shepton Mallett.]

[2] ['A perfect relation of all the passages of the Marq. Hartford,' by John Ashe, printed by order of the Lords, Aug. 12.]

1642 resolution of those few were such, and the cowardice of the undisciplined seditious rabble and their leaders was so eminent, that it was very probable, if those few troops had been as actively disposed as their commanders desired, they might have been able to have driven the bigots out of the country before they had fully possessed the rest with their own rancour: which may be reasonably presumed by what followed shortly after,

Aug. 4[1]. when Mr. Digby, sir J[ohn] Stowell and his sons, with some volunteer gentlemen, being in the whole not above fourscore horse and fourteen dragoons, charged a greater body of horse and above six hundred foot of the rebels, led by a member of the House of Commons, and, without the loss of one man, killed seven in the place, hurt very many, took their chief officers, and as many more prisoners as they would, and so routed the whole body that six men kept not together, they having all thrown [down] their arms.

7. But this good fortune abated only the courages of those who had run away, the other making use of this overthrow as an argument of the marquis's bloody purposes; and therefore, in few days, sir John Horner and Alexander Popham, (being the principal men of quality of that party in that county,) with the assistance of their friends of Dorset and Devon and the city of Bristol, drew together a body of above twelve thousand men,

Aug. 5. horse and foot, with some pieces of cannon, with which they appeared on the top of the hill over Wells; where the marquis, in contempt of them, stayed two days, having only barricadoed the town; but then, finding that the few train-bands which attended him there were run away, either to their own houses or to their fellows on the top of the hill, and hearing that more forces, or at least better officers, were coming from the Parliament against

Aug. 6. him, he retired in the noon day, and in the face of that rebellious

Aug. 8. herd, from Wells to Somerton, and so to Sherborne, without any loss or trouble. Thither, within two days, came to his lordship sir John Barkly, colonel Ashburnham, and other good officers enough to have formed a considerable army, if there had been no other want. But they had not been long there, (and it was not

[1] [See *Lords' Journals*, V. 279.]

easy to resolve whither else to go, they having no reason to be- 1642
lieve they should be any where more welcome than in Somerset-
shire, from whence they had been now driven,) when the earl of
Bedford, general of the horse to the Parliament, with Mr. Hollis,
sir Walter Earl, and other *ephori*, and a complete body of seven
thousand foot at least, ordered by Charles Essex, their sergeant-
major-general, a soldier of good experience and reputation in
the Low Countries, and eight full troops of horse, under the
command of Captain Pritty, with four pieces of cannon, in a very
splendid equipage, came to Wells, and from thence to Sher- Sept. 2.
borne; the marquis by this time having increased his foot to
four hundred, with which that great army was kept from entering
that great town, and persuaded to encamp in the field about three
quarters of a mile north from the castle; where, for the present,
we must leave the marquis and his great-spirited little army.

8[1]. It could never be understood why that army did not then march directly to Nottingham; which if it had done, his majesty's few forces must immediately have been scattered, and himself fled, or put himself into their hands, which there were enough ready to have advised him to do; and if he had escaped, he might have been pursued by one regiment of horse till he had quit the kingdom. But God blinded his enemies, so that they made not the least advance towards Nottingham. They [about

[1] [This section, to the words 'ought to be made,' is taken from the *Life*, p. 184; the *Hist.* continues thus:—

'When this news of Portsmouth and Sherborne came to the King at Nottingham, the next day after the setting up his standard, it will easily be believed that the spirits there were not a little dejected; and indeed they who had least fear could not but reasonably think the King's condition very desperate; so that some of those of nearest trust and confidence about him proposed to him, as the only expedient, to send a gracious message to the two Houses to offer a treaty for peace. His majesty received this advice very unwillingly, concluding that he should thereby improve the pride and insolence of his enemies, who would impute it to the despair of raising any force to resist them, and would demean themselves accordingly, and would to the same degree dishearten and discountenance those who had appeared, and upon the setting up his standard were now ready to appear, in any act of loyalty on his behalf, who would be all sacrificed to the revenge and fury of the others. On the other side it was objected, that his majesty was not able to make resistance,' (&c).]

1642 the King] now began to wish that he had stayed at York, and proposed his return thither; but that was not hearkened to: and they who had advised his stay there, and against the advance to Nottingham, were more against his return thither, as an absolute flight, but wished the advance of the levies, and a little patience, till it might be discerned what the enemy did intend to do. In this great anxiety, some of the lords desired that his majesty would send a message to the Parliament, with some overture to incline them to a treaty; which proposition was no sooner made but most concurred in it, and no one had the confidence to oppose it. The King himself was so offended at it that he declared he would never yield to it, and brake up the Council, that it might be no longer urged. But the next day, when they met again, they renewed the same advice with more earnestness. The earl of Southampton, a person of great prudence, and a reputation at least equal to any man's, pressed it as a thing that might do good, and could do no harm; and the King's reasons, with reference to the insolence it would raise in the rebels and the dishonour that would thereby reflect upon himself, were answered by saying their insolence would be for the King's advantage; and when they should reject the offer of peace, which they believed they would do, they would make themselves the more odious to the people, who would be thereby the more inclined to serve the King. So that they took it as granted, that the proposition would be rejected, and therefore it ought to be made[1]. It was objected, that his majesty was not able to make

[1] [The *Life* (the text being here resumed from the *Hist.*, p. 345) continues thus, pp. 185–186:—

1. 'And they could not have used a more powerful argument to the King to get his consent, than that it would not be accepted. However, he was with wonderful difficulty brought to it, by the unanimous importunity of the whole board, where, though there were some who in their judgments did not approve it, there was none durst speak against it, and sir John Culpeper, who had most credit with him, was as earnest to persuade him to it as any man; and the earl of Dorset was persuaded to concur in it upon an assurance that he should be one who should be sent with the message: and an opportunity to go to and return from London with safety was attended with many advantages, by their getting supplies of money to defray the great expenses they were at. In the end, being tired with the debate, the Council sitting till it was very late, the King consented that

resistance; that the forces before Sherborne, Portsmouth, and at 1642
Northampton, were three several armies, the least of which could

there should be a message prepared against the next morning, and that the earls of Southampton and Dorset, with sir John Culpeper and sir William Udall, should carry the message, and deliver it to the Houses whereof they were members; (the lord Falkland being left at York, to take care for the sending the arms and ammunition from thence, was not yet come to Nottingham;) and then the earl of Southampton and sir John Culpeper were sent by the King to Mr. Hyde, to prepare the message against the next morning. The King was so exceedingly afflicted after he had given his consent that he brake out into tears; and the lord Southampton, who lay in the bedchamber that night, told Mr. Hyde the next morning, that the King had been in so great an agony that whole night that he believed he had not slept two hours in the whole night, which was a discomposure his constitution was rarely liable to in the greatest misfortunes of his life. The message was made ready in the morning in a softer and calmer style than his majesty had been accustomed to for some months, and the persons began their journey towards London the same day.

2. 'The King continued very thoughtful and sad, and cared not to be entertained with any discourse, which he did not usually avoid, and fixing his eyes upon Mr. Hyde in the gallery, shortly after the lords were departed, he called him, and walked with him to the other end of the room, and observed that he looked sadder than he used to do, and said he had reason, for that he had been drawn to do that which must make all men sad who had any love and kindness for him: and thereupon, with a countenance that had indeed much of sorrow in it, he related all that had passed in the two days before, and said, if he could have gotten any one of his Council to have adhered to him in the refusal, he would never in this condition have been prevailed with to have made an address to those who had used him so reproachfully. He told him he had once thought to have sent for him, to have advised with him upon the point, and that he might divert Culpeper from pursuing it so warmly, and prevent the earl of Dorset's concurring in the advice, upon whom his majesty thought the other had some influence; but he said he forbore to do so out of kindness to him, and that he might not expose him to the displeasure he might probably have incurred by opposing it. However, he resolved he would send no message but what he prepared; and therefore he had sent Southampton to him; and that he confessed he was better pleased with the message itself than the thought of sending to them, and that he had so far preserved his honour (for which he thanked him) that he had used no mean and base expressions of condescension to them; and then enlarged with many passionate protestations, that if they should upon this message enter upon any treaty for an accommodation, he would never consent to any particular that might be to the prejudice of any of his friends who adhered, of which he required him to assure all men with whom he could converse. Mr. Hyde answered, that he had not apprehended any of that trouble in his own countenance which his majesty had taken notice of, yet that he could not say he was without it, for he had that very morning

1642 drive his majesty out of his dominions; that it was only in his power to choose, whether by making a fair offer himself he would seem to make peace, which could not but render him

received news of the death of a son of his[1], which did affect him, though it would not disturb him long; but he assured his majesty that his message or sending to the Parliament did not in the least degree disorder him; for though there might have been many objections made against it, and some apprehension that any condescension at this time might give some stop to his levies, and discourage those who had a purpose to resort to him or to declare for him, and that men might naturally believe that if a treaty should be consented to by the Parliament upon this application from his majesty it would not be afterwards in his power to deny his concession to whatsoever should be required of him in that treaty, and that the interest of all particular persons must be subjected to that public convenience and peace, for which he protested he was himself very cheerfully prepared, and expected as sour a portion as would be assigned to any man in England, yet there were on the other side many appearances of benefit that might accrue to his majesty from their carriage and refusal: of which he conceived one might be, that they would be so amused with this message, and an opinion that an entire submission would shortly attend it, that [they] would sit still, and perform no act of hostility, till the effect of it was known; which very sitting still would be of much advantage to him, (which his majesty said was a better argument than any that had been used to him:) and therefore, he said, he had nothing to do but to take all opportunities to persuade men that it was very necessary for his majesty to send that message at that time; and to that purpose he had always the message in his pocket, which he had read to many, who confessed that it was better than they imagined, and that he gave copies of it to all who desired it, and which had already composed the minds of many. He concluded with an earnest desire to his majesty, that he would compose his own countenance, and abolish that infectious sadness in his own looks which made the greatest impression upon men, and made them think that he found his condition to be more desperate than any body else believed it to be. The King was very well pleased with the discourse, and told him he was a very good comforter, and that if he had as much credit with others as he had with him, as he doubted not he would have, the Court would be shortly in a better humour.

3. 'The truth is, the consternation that at that time covered the countenance of most men cannot be imagined. The soldiers looked upon themselves as given up, and the war at an end. They who repaired to the King out of duty and conscience expected to be sacrificed to the pride and fury of the Parliament, and the government both of Church and State to be upon the point dissolved; and there were many others who thought the message would do no good, but that the King and they must be destroyed in so unequal a war.']

[1] [It does not appear to what son Clarendon here refers, unless it be to one named Edward, said in the printed pedigrees of the family to have 'died unmarried,' without any date being mentioned.]

very gracious to the people, or suffer himself to be taken pri- 1642
soner, (which he would not be long able to avoid,) which would give his enemies power, reputation, and authority to proceed against his majesty, and, it might be, his posterity, according to their own engaged malice.

9. Yet this motive made no impression in him. 'For,' he said, 'no misfortune, or ill success that might attend his endeavour of defending himself, could expose him to more inconveniences than a treaty at this time desired by him, when he must be understood to be willing to yield to whatsoever they would require of him: and how modest they were like to be, might be judged by their 19 propositions, which were tendered when their power could not be reasonably understood to be like so much to exceed his majesty's as at this time it was evident it did; and that, having now nothing to lose but his honour, he could be only excusable to the world by using his industry to the last to oppose that torrent, which if it oppressed would overwhelm him.' This composed courage and magnanimity of his majesty seemed too philosophical, and abstracted from the policy of self-preservation to which men were passionately addicted: and (that which was the King's greatest disadvantage,) how many soever were of his mind, (as some few, and but few, there were,) no man durst publicly avow that he was so; a treaty for peace being so popular a thing that whosoever opposed it would be sure to be by general consent a declared enemy to his country.

10. That which prevailed with his majesty very reasonably then (and indeed it proved equally advantageous to him afterwards) was, 'that it was most probable' (and his whole fortune was to be submitted at best to probabilities) 'that, out of their pride and contempt of the King's weakness and want of power, the Parliament would refuse to treat; which would be so unpopular a thing that, as his majesty would highly oblige his people by making the offer, so they would lose the hearts of them by rejecting it; which alone would raise an army for his majesty. That if they should embrace it, the King could not but be a gainer; for by the propositions which they should make to him, he would be able to state the quarrel so clearly,

1642 that it should be more demonstrable to the kingdom than yet it was that the war was on his majesty's part purely defensive; since he never had and now would not deny any thing which they could in reason or justice ask. That this very overture would necessarily produce some pause and delay in their preparations or motions of their armies; for some debate it must needs have; and during that time men's minds would be in suspense; whereas his majesty should be so far from slackening his preparations that he might be more vigorous in them, by hastening those levies for which his commissions were out.' For these reasons, and almost the concurrent desire and importunity of his Council, the King was prevailed with to send the earls of Southampton and Dorset, sir John Culpeper, Chancellor of his Exchequer, and sir William Udall, (whom his majesty gave leave under that pretence to intend the business of his own fortune,) to the two Houses with this message, which was sent the
Aug. 25. third day after his standard was set up:

11. 'We have with unspeakable grief of heart long beheld the distractions of this our kingdom. Our very soul is full of anguish until we may find some remedy to prevent the miseries which are ready to overwhelm this whole nation by a civil war. And though all our endeavours tending to the composing of those unhappy differences betwixt us and our two Houses of Parliament, (though pursued by us with all zeal and sincerity,) have been hitherto without that success we hoped for, yet such is our constant and earnest care to preserve the public peace, that we shall not be discouraged from using any expedient which, by the blessing of the God of mercy, may lay a firm foundation of peace and happiness to all our good subjects. To this end, observing that many mistakes have arisen by the messages, petitions, and answers, betwixt us and our two Houses of Parliament, which haply[1] may be prevented by some other way of treaty, wherein the matters in difference may be more clearly understood and more freely transacted, we have thought fit to propound to you that some fit persons may be by you enabled to treat with the like number to be authorized by us, in such a manner, and with such freedom of debate, as may best tend to that happy conclusion which all good men desire, the peace of the kingdom. Wherein, as we promise, in the word of a king, all safety and encouragement to such as shall be sent unto us, if you shall choose the place where we are for the treaty, which we wholly leave to you, presuming the like care of the safety of those we shall employ, if you shall name another place; so we assure you and all our good subjects, that (to the best of our understanding) nothing shall be therein wanting on our part, which may advance the true Protestant

[1] ['happely,' MS.; 'happily,' *Lords' Journals.*]

religion, oppose Popery and superstition, secure the law of the land, 1642
(upon which is built as well our just prerogative as the propriety and liberty of the subject,) confirm all just power and privileges of Parliament, and render us and our people truly happy by a good understanding betwixt us and our two Houses of Parliament. Bring with you as firm resolutions to do your duty; and let all our good people join with us in our prayers to Almighty God for his blessing upon this work. If this proposition shall be rejected by you, we have done our duty so amply that God will absolve us from the guilt of any of that blood which must be spilt; and what opinion soever other men may have of our power, we assure you nothing but our Christian and pious care to prevent the effusion of blood hath begot this motion; our provision of men, arms, and money, being such as may secure us from further violence, till it please God to open the eyes of our people.'

12. This message had the same reception his majesty believed it would have; and was indeed received with unheard of insolence and contempt. For the earl of Southampton and sir John Culpeper, desiring to appear themselves before any notice should arrive of their coming, made such haste that they were at Westminster in the morning shortly after the Houses met. The Aug. 27.
earl of Southampton went into the House of Peers, where he was scarce sat down in his place when, with great passion, he was called upon to withdraw, albeit he told them he had a message to them from the King, and there could be no exception to his lordship's sitting in the House upon their own grounds, he having had leave from the House to attend his majesty. However, he was compelled to withdraw; and then they sent the gentleman-usher of the House to him, to require his message; which his lordship said he was by the King's command to deliver himself, and refused therefore to send it except the Lords made an order that he should not [deliver it himself]; which they did, and thereupon he sent it to them; which they no sooner received than they sent him word that he should, at his peril, immediately depart the town, and that they would take care that their answer to the message should be sent to him. And so the earl of Southampton departed the town, reposing himsel in better company at the house of a noble person seven or eight miles off. Whilst the earl had this skirmish with the Lords, sir John Culpeper attended the Commons, forbearing to go into the House without leave, because there had been an order, (which is men-

1642 tioned before [1],) that all the members who were not present at such a day should not presume to sit there till they had paid £100, and given the House satisfaction in the cause of their absence. But he sent word to the Speaker that he had a message from the King to them, and that he desired to deliver it in his place in the House. After some debate (for there remained yet some who thought it as unreasonable as irregular to deny a member of the House against whom there had not been the least public objection, and a Privy-Councillor who had been in all times used there with great reverence, leave to deliver a message from the King in his own place as a member,) it was absolutely resolved that he should not sit in the House, but that he should deliver his message at the bar, and immediately withdraw; which he did accordingly.

13. And then the two Houses met at a conference, and read the King's message with great superciliousness; and within two Aug. 27. days [2], with less difficulty and opposition than can be believed, agreed upon their answer; the King's messengers, in the mean time, being of that quality, not receiving ordinary civility from any members of either House; they who were very willing to have paid it, not daring for their own safety to come near them, and the others looking upon them as servants to a master whom they had and meant farther to oppress. Private conferences they had with some of the principal governors; from whom they received no other advice but that, if the King had any care of himself or his posterity, he should immediately come to London, throw himself into the arms of his Parliament, and comply in whatsoever they proposed. The answer which they returned to the King was this:

14. *The answer of the Lords and Commons to his majesty's message of the 25th of August,* 1642.

'May it please your majesty:

'The Lords and Commons, in Parliament assembled, having received your majesty's message of the 25th of August, do with much grief resent the dangerous and distracted state of this kingdom; which we have by all means endeavoured to prevent, both by our several advices and petitions to your majesty; which have been not only without success, but there

[1] [See book v, § 362.]

[2] [on the same day.]

hath followed that which no ill counsel in former times hath produced, or any age hath seen, namely, those several proclamations and declarations against both the Houses of Parliament, whereby their actions are declared treasonable and their persons traitors. And thereupon your majesty hath set up your standard against them, whereby you have put the two Houses of Parliament, and in them this whole kingdom, out of your protection; so that until your majesty shall recall those proclamations and declarations whereby the earl of Essex and both Houses of Parliament, and their adherents and assistants, and such as have obeyed and executed their commands and directions according to their duties, are declared traitors or otherwise delinquents, and until the standard set up in pursuance of the said proclamations be taken down, your majesty hath put us into such a condition that, whilst we so remain, we cannot, by the fundamental privileges of Parliament, the public trust reposed in us, or with the general good and safety of this kingdom, give your majesty any other answer to this message.' 1642

15. When the King's messengers returned with this answer to Nottingham, all men saw to what they must trust, and the King believed he should be no farther moved to make addresses to them. And yet all hopes of an army, or any ability to resist that violence, seemed so desperate, that he was privately advised by those whom he trusted as much as any, and those whose affections were as entire to him as any men's, to give all other thoughts over, and instantly to make all imaginable haste to London, and to appear in the Parliament-house before they had any expectation of him. And they conceived there would be more likelihood for him to prevail that way than by any army he was like to raise. And it must be solely imputed to his majesty's own magnanimity that he took not that course. However, he was contented to make so much farther use of their pride and passion as to give them occasion, by another message, to publish more of it to the people; and therefore, within three days after the return of his messengers, he sent the lord Falkland, his principal Secretary of State, with a reply to their answer in these words[1]:

16. 'We will not repeat what means we have used to prevent the dangerous and distracted estate of the kingdom, nor how those means have been interpreted; because, being desirous to avoid the effusion of blood, we are willing to decline all memory of former bitterness that might render our offer of a treaty less readily accepted. We never did declare, nor ever intended to declare, both our Houses of Parliament

[1] [Received and read in both Houses on Sept. 5.]

1642 traitors, or set up our standard against them, and much less to put them and this kingdom out of our protection: we utterly profess against it before God and the world. And further, to remove all possible scruples which may hinder the treaty so much desired by us, we hereby promise, so that a day be appointed by you for the revoking of your declarations against all persons as traitors, or otherwise, for assisting us, we shall, with all cheerfulness, upon the same day recall our proclamations and declarations, and take down our standard. In which treaty, we shall be ready to grant any thing that shall be really for the good of our subjects: conjuring you to consider the bleeding condition of Ireland, and the dangerous condition of England, in as high a degree as by these our offers we have declared ourself to do; and assuring you that our chief desire, in this world, is to beget a good understanding and mutual confidence betwixt us and our two Houses of Parliament.'

17. This message had no better effect or reception than the former; their principal officers being sent down, since the last message, to Northampton, to put the army into a readiness to march. And now they required the earl of Essex himself to make haste thither, that no more time might be lost; sending
Sept. 6. by the lord Falkland, within two days, this answer to the King:—

18. ***To the King's most excellent majesty;***

The humble answer and petition of the Lords and Commons assembled in Parliament unto the King's last message.

'**May it please your majesty:**

'If we, the Lords and Commons in Parliament assembled, should repeat all the ways we have taken, the endeavours we have used, and the expressions we have made unto your majesty, to prevent those distractions and dangers your majesty speaks of, we should too much enlarge this reply. Therefore, as we humbly, so shall we only, let your majesty know, that we cannot recede from our former answer, for the reasons therein expressed. For that your majesty hath not taken down your standard, recalled your proclamations and declarations, whereby you have declared the actions of both Houses of Parliament to be treasonable and their persons traitors; and you have published the same since your message of the 25th of August, by your late instructions sent to your commissioners of array; which standard being taken down, and the declarations, proclamations, and instructions recalled, if your majesty shall then, upon this our humble petition, leaving your forces, return unto your Parliament, and receive their faithful advice, your majesty will find such expressions of our fidelities and duties as shall assure you that your safety, honour, and greatness, can only be found in the affections of your people and the sincere counsels of your Parliament; whose constant and undiscouraged endeavours and consultations have passed through difficulties unheard of, only to secure your kingdoms from the violent mischiefs and dangers

now ready to fall upon them and every part of them; who deserve better 1642
of your majesty, and can never allow themselves (representing likewise the whole kingdom) to be balanced with those persons whose desperate dispositions and counsels prevail still [so] to interrupt all our endeavours for the relieving of bleeding Ireland, as we may fear our labours and vast expenses will be fruitless to that distressed kingdom. As your presence is thus humbly desired by us, so it is our hope your majesty will in your reason believe there is no other way than this to make your majesty's self happy and your kingdom safe.'

19. And lest this overture of a treaty might be a means to allay and compose the distempers of the people, and that the hope and expectation of peace might not dishearten their party in their preparations and contributions to the war, the same day they sent their last answer to the King they published this Sept. 6.
declaration to the kingdom;—

20. 'Whereas his majesty, in a message received the fifth of September, requires that the Parliament would revoke their declarations against such persons as have assisted his majesty in this unnatural war against his kingdom; it is this day ordered and declared by the Lords and Commons, that the arms which they have been forced to take up, and shall be forced to take up, for the preservation of the Parliament, religion, the laws and liberties of the kingdom, shall not be laid down, until his majesty shall withdraw his protection from such persons as have been voted by both Houses to be delinquents, or that shall by both Houses be voted to be delinquents, and shall leave them to the justice of the Parliament to be proceeded with according to their demerits; to the end that both this and succeeding generations may take warning with what danger they incur the like heinous crimes: and also to the end that those great charges and damages wherewith all the commonwealth hath been burdened in the premises since his majesty's departure from the Parliament, may be borne by the delinquents and other malignant and disaffected persons: and that all his majesty's good and well-affected subjects who, by loan of monies, or otherwise at their charge, have assisted the commonwealth, or shall in like manner hereafter assist the commonwealth, in time of extreme danger, may be repaid all sums of money lent by them for those purposes, and be satisfied their charges so sustained, out of the estates of the said delinquents and of the malignant and disaffected party in this kingdom.'

21. This declaration did the King no harm; for besides that it was evident to all men that the King had done whatsoever was in his power, or could be expected from him, for the prevention of a civil war, all persons of honour and quality plainly discerned that they had no safety but in the preservation of the regal power, since the[ir] estates were already disposed of by

1642 them who could declare whom they would delinquents, and who would infallibly declare all such who had not concurred with them. And the advantage the King received by those overtures and the pride, frowardness, and perverseness of the rebels, is not imaginable; his levies of men, and all other preparations for the war, being incredibly advanced from the time of his first message. Prince Rupert lay still with the horse at Leicester; and though he, and some of the principal officers with him were discontented to that degree upon the King's first message and desire of a treaty, as like not only to destroy all hopes of raising an army but to sacrifice those who were raised, that they were not without some thoughts, at least discourses, of offering violence to the principal advisers of it, he now found his numbers increased and better resolved by it; and from Yorkshire, Lincolnshire, and Staffordshire, came very good recruits of foot; so that, his cannon and munition being likewise come up from York, within twenty days his numbers began to look towards an army, and there was another air in all men's faces. Yet Nottingham seemed not a good post for his majesty to stay longer at; and therefore, about the middle of September, (the earl of Essex being then with his whole army at Northampton,) his majesty marched from Nottingham to Darby; being not then resolved whether to bend his course to Shrewsbury or Chester, not well knowing the temper of those towns, in both which the parliament party had been very active, but resolving to sit down near the borders of Wales, where the power of the Parliament had been least prevalent, and where some regiments of foot were
Sept. 11. levying for his service. Before his leaving Nottingham, as a farewell to his hopes of a treaty, and to make the deeper sense and impression in the hearts of the people of those who had so pertinaciously rejected it, his majesty sent this message to the Houses:

22. 'Who[1] have taken most ways, used most endeavours, and made most real expressions, to prevent the present distractions and dangers, let all the world judge, as well by former passages, as by our two last

[1] [In the *Lords' Journals*, V. 350, this message begins, '*We* have taken,' and a fresh sentence commences at the words, 'Let all the world judge'; but the reading in the text seems probably more correct.]

messages, which have been so fruitless, that, though we have descended 1642
to desire and press it, not so much as a treaty can be obtained; unless we would denude ourself of all force to defend us from a visible strength marching against us, and admit those persons as traitors to us who, according to their duty, their oaths of allegiance, and the law, have appeared in defence of us, their King and liege lord, (whom we are bound in conscience and honour to preserve,) though we disclaimed all our proclamations, and declarations, and the erecting of our standard, as against our Parliament. All we have now left in our power is, to express the deep sense we have of the public misery of this kingdom, in which is involved that of our distressed Protestants of Ireland, and to apply ourself to our necessary defence, wherein we wholly rely upon the providence of God, the justice of our cause, and the affection of our good people; so far we are from putting them out of our protection. When you shall desire a treaty of us, we shall piously remember whose blood is to be spilt in this quarrel, and cheerfully embrace it. And as no other reason induced us to leave our city of London but that with honour and safety we could not stay there, nor [to] raise any force but for the necessary defence of our person and the law, against levies in opposition to both; so we shall suddenly and most willingly return to the one, and disband the other, as soon as those causes shall be removed. The God of heaven direct you, and in mercy divert those judgments which hang over this nation; and so deal with us and our posterity, as we desire the preservation and advancement of the true Protestant religion, the law, and the liberty of the subject, the just rights of Parliament, and the peace of the kingdom.'

23. When the King came to Darby, he received clear information from the well affected party in Shrewsbury that that town was at his devotion, and that the very rumour of his majesty's purpose of coming thither had driven away all those who were most inclined to sedition. And therefore, as well in regard of the strong and pleasant situation of it, (one side being defended by the Severn, on the other having a secure passage into Wales, the confines of Montgomeryshire extending very near the town,) as for the correspondence with Worcester, of which city he hoped well, and that by his being at Shrewsbury he should be as well able to secure Chester as by carrying his whole train so far north; besides that the other might give some apprehension of his going into Ireland, which had been formerly mentioned; his majesty resolved for that town; and, after one day's stay at Darby, by easy marches he went thither, drawing his whole small forces to a rendezvous by Wellington, a day's Sept. 19.
march short of Shrewsbury. And that being the first time that they were together, his majesty then caused his military orders

1642 for the discipline and government of the army to be read at the head of each regiment: and then, which is not fit ever to be forgotten, putting himself in the middle, where he might be best heard, not much unlike the emperor Trajan, who, when he made Sura great marshal of the empire, gave him a sword, saying, 'Receive this sword of me; and if I command as I ought, employ it in my defence; if I do otherwise, draw it against me, and take my life from me[1],' his majesty made this speech to his soldiers:

24. 'Gentlemen, you have heard these orders read: it is your part, in your several places, to observe them exactly. The time cannot be long before we come to action, therefore you have the more reason to be careful: and I must tell you, I shall be very severe in the punishing of those, of what condition soever, who transgress these instructions. I cannot suspect your courage and resolution; your conscience and your loyalty hath brought you hither, to fight for your religion, your King, and the laws of the land. You shall meet with no enemies but traitors, most of them Brownists, Anabaptists, and atheists; such who desire to destroy both Church and State, and who have already condemned you to ruin for being loyal to us. That you may see what use I mean to make of your valour, if it please God to bless it with success, I have thought fit to publish my resolution to you in a Protestation; which when you have heard me make, you will believe you cannot fight in a better quarrel; in which I promise to live and die with you.'

25. The Protestation his majesty was then pleased to make was in these words:

26. 'I do promise in the presence of Almighty God, and as I hope for his blessing and protection, that I will, to the utmost of my power, defend and maintain *The true reformed Protestant religion established in the Church of England*, and, by the grace of God, in the same will live and die.

27. 'I desire to govern by the *known laws of the land*, and that the *liberty and property of the subject* may be by them preserved with the same care as my own just rights. And if it please God, by his blessing upon this army, raised for my necessary defence, to preserve me from this rebellion, I do solemnly and faithfully promise, in the sight of God, to maintain the just *privileges and freedom of Parliament*, and to govern by the *known laws of the land* to my utmost power; and particularly, to observe inviolably *the laws consented to by me this Parliament*. In the mean while, if this time of war, and the great necessity and straits I am now driven to, beget any violation of those, I hope it shall be imputed by God and men to the authors of this war, and not to me, who have so earnestly laboured for the preservation of the peace of this kingdom.

[1] [Aur. Victor, *De Caesaribus*, c. xiii.]

28. 'When I willingly fail in these particulars, I will expect no aid or relief from any man, or protection from Heaven. But in this resolution, I hope for the cheerful assistance of all good men, and am confident of God's blessing.' 1642

29. This Protestation, and the manner and solemnity of making it, gave not more life and encouragement to the little army than it did comfort and satisfaction to the gentry and inhabitants of those parts; into whom the Parliament had infused, that, if his majesty prevailed by force, he would with the same power abolish all those good laws which had been made this Parliament; so that they looked upon this Protestation as a more ample security for their enjoying the benefit of those Acts than the royal assent he had before given. And a more general and passionate expression of affection cannot be imagined than he received by the people of those counties of Darby, Stafford, and Shropshire, as he passed, or a better reception than he found at Shrewsbury, into which town he entered on Tuesday the 20th of September. Sept. 20.

30. It will be, and was then, wondered at, that since the Parliament had a full and well formed army before the King had one full regiment, and the earl of Essex was himself come to Northampton some days before his majesty went from Nottingham, his lordship neither disquieted the King whilst he stayed there, nor gave him any disturbance in his march to Shrewsbury; which if he had done, he might either have taken him prisoner, or so dispersed his small power that it would never have been possible for him to have gotten an army together. But as the earl had not yet received his instructions, so they upon whom he depended avoided that expedition out of mere pride and contempt of the King's forces, and upon a presumption that it would not be possible for him to raise such a power as would be able to look their army in the face; but that, when he had in vain tried all other ways, and those who not only followed him upon their own charges but supported those who were not able to bear their own, (for his army was maintained and paid by the nobility and gentry, who served likewise in their own persons,) were grown weary and unable longer to bear that burden, his majesty would be forced to put himself into their arms for protection

1642 and subsistence. And [if] such a victory without blood had crowned all their designs, and if their army, which they pretended to raise only for their defence and for the safety of the King's person, had been able to prevent the King's raising any, or if the King in that melancholic conjuncture at Nottingham had returned to Whitehall, he had justified all their proceedings, and could never after have refused to yield to whatsoever they proposed.

31. And it is most certain that the common soldiers of the army were generally persuaded that they should never be brought to fight, but that the King was in truth little better than imprisoned by *evil counsellors*, *malignants*, *delinquents*, and *cavaliers*, (the terms applied to his whole party,) and would gladly come to his Parliament if he could break from that company, which he would undoubtedly do if their army came once to such a distance that his majesty might make an escape to them. And in this kind of discourse they were so sottish, that they were persuaded that those persons of whose piety, honour, and integrity they had received heretofore the greatest testimony, were now turned Papists, and that the small army and forces the King had consisted of no other than Papists. Insomuch as truly those of the King's party who promised themselves any support but from the comfort of their own consciences, or relied upon any other means than from God Almighty, could hardly have made their expectations appear reasonable; for they were in truth possessed of the whole kingdom.

32. Portsmouth, the strongest and best fortified town then in
Sept. 3. the kingdom, was surrendered to them; colonel Goring, about the beginning of September, though he had seemed to be so long resolved and prepared to expect a siege, and had been supplied with moneys according to his own proposal, was brought so low, that he gave it up, only for liberty to transport himself beyond seas and for his officers to repair to the King. And it were to be wished that there might be no more occasion to mention him hereafter, after this repeated treachery; and that his incomparable dexterity and sagacity had not prevailed so far over those who had been so often deceived by him, as to make it absolutely

necessary to speak at large of him more than once before this discourse comes to an end[1]. 1642

33. The marquis of Hartford, though he had so much dis-

[1] [The following account of the surrender of Portsmouth is given in the *Life*, pp. 183–4, where it follows the notice of the setting up of the standard at Nottingham :—

'And within three or four days, the news arrived that Portsmouth was given up, which almost struck the King to the heart. Goring, who had received so much money from the Parliament, to mend the fortifications, and so much [from] the Queen, to provide men and victuals and ammunition, that he might be able to defend himself when he should be forced to declare, which he expected to be much sooner, and could not expect to be suddenly relieved, had neither mended the fortifications or provided any thing for his defence, but had spent all the money in good-fellowship, or lost it at play, the temptation of either of which vices he never could resist. So that when he could no longer defer giving the Parliament a direct answer, he had only the lord Wentworth and Mr. Thomas Weston, who came to enjoy the delight of his company, which was very attractive, and for whom he had promised to raise troops of horse, and three or four country gentlemen, who repaired thither upon the first news of his declaring, with so small a number of men as was fitter for their equipage and retinue than for the defence of the place, and an addition of twenty or thirty common men to his garrison which the kindness of some friends had supplied [him] with: and in this state sir Will. Waller found him and the place when he came before it, and when he was deprived of all communication by land or sea. He continued in the same jollity from the time he was besieged, and suffered the enemy to approach as he pleased, without disturbing him by any brisk sally or soldierly action, which all men expected from him who were best acquainted with his other infirmities; and after the end of about three weeks, he delivered the town, upon no other conditions than the liberty for all who had a mind to go away, and his own transportation into Holland. When he recovered and restored himself to the King and Queen's favour and trust after his foul tergiversation, he had great thoughts in his heat of power and authority, for his ambition was always the first deity he sacrificed to; and it was proposed by him, and consented to, that when the King should find it necessary to put himself into the field, (which was thought would be fit for him to do much sooner,) the Queen should retire to Portsmouth: and that was the reason why the Queen was so solicitous that it might be put into a good condition; and by this means he should be sure never to be reduced into any straits without a powerful relief, and should always have it in his power to make good conditions for himself in all events. But when the Parliament's power was so much increased and the King's abated that the Queen resolved to transport herself beyond the seas, the edge of his zeal was taken off, and he thought Portsmouth too low a sphere for him to move in; and the keeping a town (which must follow the fate of the kingdom) was not a fit portion for him; and so he cared not to lose what he did not care to keep. And it were to be wished,' *etc., as above,* § 32.]

1642 credited the earl of Bedford's soldiery, and disheartened his great army, that the earl of Bedford (after lying in the fields four or five nights within less than cannon shot of the castle and town, and after having refused to fight a duel with the marquis, to which he provoked him by a challenge) sent sir John Norcott, under pretence of a treaty and the godly care to avoid the effusion of Christian blood, in plain English to desire that he might fairly and peaceably draw off his forces, and march away; the which, how reasonable a request soever it was, the marquis refused, sending them word that as they came thither upon their own counsels, so they should get off as they could, and at
Sept. 6. last they did draw off, and march above a dozen miles off for repose, leaving the marquis for some weeks undisturbed at Sherborne; yet when he heard of the loss of Portsmouth, the relief whereof was his principal business, and so that those forces would probably be added to the earl of Bedford, and by their success give much courage to his bashful army, and that a good regiment of horse which he expected (for sir John Byron had sent him word from Oxford that he would march towards him) was retired to the King, and that the committees were now so busy in the several counties that the people in all places declared for the Parliament, and more particularly some strong and populous towns in Somersetshire, as Taunton, Wellington, and Dunstar Castle, by reason whereof it would not be possible
Sept. 19. for him to increase his strength; he resolved to leave Sherborne, where his stay could no way advance the King's service, and to try all ways to get to his majesty. But when he came to Minyard [Minehead], a port-town, from whence he made no doubt he should be able to transport himself and his company into Wales, he found the people both of the town and county so disaffected that all the boats, of which there used always to be great store by reason of the trade for cattle and corn with Wales, were industriously sent away, save only two; so that, the earl of Bedford having taken new heart and being within four miles with his army, his lordship, with his small cannon and few foot, with the lord Paulett, lord Seymour, and some gentlemen of Somersetshire, transported himself into Glamorganshire;

leaving sir Ralph Hopton, sir John Barkley, Mr. Digby, and some other officers, with their horse, (consisting of about one hundred and twenty,) to march into Cornwall, in hope to find that county better prepared for their reception. 1642

34. On the other hand, the earl of Bedford, thinking those few fugitives not worth his farther care, and that they would be easily apprehended by the committee of the militia, which was very powerful in Devon and Cornwall, contented himself with having driven away the marquis, and so expelled all hope of raising an army for the King in the west; and retired with his forces to the earl of Essex, as sir William Waller had done from Portsmouth; so that as it was not expected that the forces about his majesty could be able to defend him against so puissant an army, so it was not imaginable that he could receive any addition of strength from any other parts. For wherever they found any person of quality inclined to the King, or but disinclined to them, they immediately seized upon his person, and sent him in great triumph to the Parliament, who committed him to prison, with all circumstances of cruelty and inhumanity.

35. Thus they took prisoner the lord Mountague of Boughton, at his house in Northamptonshire, a person of great reverence, being above fourscore years of age, and of unblemished reputation, for declaring himself unsatisfied with their disobedient and undutiful proceedings against the King, and more expressly against their ordinance for the militia; and notwithstanding that he had a brother of the House of Peers, the Lord Privy Seal, and a nephew, the lord Maundevill[1], who had as full a power in that council as any man, and a son in the House of Commons very unlike his father, his lordship was committed to the Tower a close prisoner; and, though he was afterwards remitted to more air[2], he continued a prisoner to his death. Sept. 10. 1644 June 15.

36. Thus they took prisoner in Oxfordshire the earl of Berkshire, and three or four principal gentlemen of that county, and committed them to the Tower, for no other reason but wishing Aug. 16.

[1] ['Kimbolton' has been subsequently written above this name by Clarendon.]

[2] [To his lodging in the Savoy.]

1642 well to the King; for they never appeared in the least action in his service. And thus they took prisoner the earl of Bath in Devonshire[1], who neither had or ever meant to do the King the least service, but only, out of the morosity of his own nature, had before in the House expressed himself not of their mind; and carried him, with many other gentlemen of Devon and Somerset, with a strong guard of horse to London; where, after they had been exposed to the rudeness and reproach of the common people, who called them 'traitors and rebels to the Parliament,' and pursued them with such usage as they use to the most infamous malefactors, they were, without ever being examined or charged with any particular crime, committed to several prisons. So that not only all the prisons about London were quickly filled with persons of honour, and great reputation for sobriety and integrity to their counties, but new prisons were made for their reception; and, (which was a new and barbarous invention,) very many persons of very good quality, both of the clergy and laity, were committed to prison on board the ships in the river of Thames, where they were kept under decks, and no friend suffered to come to them; by which many lost their lives. And that the loss of their liberty might not be all their punishment, it was the usual course, (and very few scaped it,) after any man was committed as a *notorious malignant*, (which was the brand,) that his estate and goods were seized or plundered, by an order from the House of Commons or some committee, or [by] the soldiers, (who in their march took the goods of all Catholics and eminent malignants as lawful prize), or by the fury and license of the common people, who were in all places grown to that barbarity and rage against the nobility and gentry, (under the style of *cavaliers*,) that it was not safe for any to live at their houses who were taken notice of as no votaries to the Parliament.

37. So the common people (no doubt by advice of their
Aug. 22. superiors) in Essex on a sudden beset the house of Sir John Lucas, one of the best gentlemen of that county, and of the most eminent affection to the King, being a gentleman of the privy

[1] [The order for his arrest is dated 23 Aug. *Lords' Journals*, V. 318.]

chamber to the Prince of Wales; and, upon pretence that he 1642
was going to the King, possessed themselves of all his horses and arms, seized upon his person, and used him with all possible indignities, not without some threats to murder him: and when the mayor of Colchester, whither he was brought, with more humanity than the rest, offered to keep him prisoner in his own house till the pleasure of the Parliament should be farther known, they compelled him, (for he was willing to be compelled,) to send him to the common gaol; where he remained, glad of that security, till the House of Commons removed him to another Aug. 29.
prison, (without ever charging him with any crime,) having sent all his horses to the earl of Essex, to be used in the service of that army [1].

38. At the same time the same rabble entered the house of the countess of Rivers, near Colchester, for no other ground than that she was a Papist, and in few hours disfurnished it of all the goods which had been many years with great curiosity providing, and were not of less value than forty thousand pounds sterling; the countess herself hardly escaping, after great insolence had been used to her person: and [she] could never receive any reparation from the Parliament [2]. So that these and many other instances of the same kind in London and the parts adjacent, gave sufficient evidence to all men how little else they were to keep who meant to preserve their allegiance and integrity in the full vigour.

39. I must not forget, though it cannot be remembered without much horror, that this strange wild-fire among the people was not so much and so furiously kindled by the breath of the Parliament as of the clergy, who both administered fuel and blowed the coals in the Houses too. These men having creeped into, and at last driven all learned and orthodox men from, the pulpits, had, (as is before remembered,) from the beginning of this Parliament, under the notion of reformation and extirpating

[1] [Thanks were given by Parliament on Aug. 23 to the inhabitants of Colchester for seizing Sir John Lucas' horses and arms. He was sent to the Gatehouse by the Commons on Aug. 29. *Lords' Journals*, V. 319.]

[2] [She petitioned for redress on Aug. 29, and an order was issued for all justices, &c. to assist in the recovery of her goods. *Ibid.* 331.]

1642 of Popery, infused seditious inclinations into the hearts of men against the present government of the Church, with many libellous invectives against the State too. But since the raising an army and rejecting the King's last overture of a treaty, they contained themselves within no bounds, and as freely and without control inveighed against the person of the King as they had before against the worst malignant: profanely and blasphemously applying whatsoever had been spoken and declared by God Himself or the prophets against the most wicked and impious kings, to incense and stir up the people against their most gracious sovereign.

40. There are monuments enough in the seditious sermons at that time printed, and in the memories of men of others not printed, of such wresting and perverting of Scripture to the odious purposes of the preacher, that pious men will not look over without trembling. One takes his text out of Moses' words in the 32d chapter of Exodus and the 29th verse, *Consecrate yourselves to-day to the Lord, even every man upon his son and upon his brother, that he may bestow upon you a blessing this day:* and from thence incites his auditory to the utmost prosecution of those, under what relation soever of blood, neighbourhood, dependence, who concurred not in the reformation proposed by the Parliament. Another makes as bold with David's words, in the 1 Chron., 22 ch., and the 10th verse, *Arise therefore, and be doing:* and from thence assures them it was not enough to wish well to the Parliament; if they brought not their purse as well as their prayers, and their hands as well as their hearts, to the assistance of it, the duty in the text was not performed. There was more than Mr. Marshall[1], who, from the 23rd verse of the 5th chapter of Judges, *Curse ye Meroz, said the angel of the Lord; curse ye bitterly the inhabitants*

[1] [*Meroz cursed: a sermon preached to the House of Commons, Feb. 23, 1641*, 4° Lond. 1641. Prolonged search has failed to trace the other sermons to which Clarendon refers. They are not mentioned in a MS. list of all the sermons preached before Parliament from 1640 to 1648, which is in Wood MS. F. 21 in the Bodleian Library. Probably they were preached to miscellaneous congregations, and may have been amongst those 'not printed' which are mentioned above.]

thereof, because they came not to the help of the Lord, to the help of 1642
the Lord against the mighty, presumed to inveigh against, and in plain terms to pronounce God's own curse against, all those who came not with their utmost power and strength to destroy and root out all the malignants who in any degree opposed the Parliament.

41. There was one who from the 48th [chapter] of the prophet Jeremy, and the 10th verse, *Cursed be he that keepeth back his sword from blood*, reproved those who gave any quarter to the King's soldiers. And another out of the 5th verse of the 25th chapter of Proverbs, *Take away the wicked from before the king, and his throne shall be established in righteousness*, made it no less a case of conscience by force to remove the evil counsellors from the King, (with bold intimation what might be done to the King himself if he would not suffer them to be removed,) than to perform any Christian duty that is enjoined. It would fill a volume to insert all the impious madness of this kind, so that the complaint of the prophet Ezechiel might most truly and seasonably have been applied, *There is a conspiracy of her prophets in the middest thereof, like a roaring lion ravening the prey; they have devoured souls; they have taken the treasure and precious things; they have made her many widows in the midst thereof*[1].

42. It was the complaint of Erasmus of the clergy in his time, that when princes were inclinable to wars, *alius e sacro suggesto promittit omnium admissorum condonationem,* [...] *alius promittit certam victoriam, prophetarum voces ad rem impiam detorquens. Tam bellaces conciones audivimus*, says he[2]. And indeed no good Christian can without horror think of those ministers of the church, who, by their function being messengers of peace, are the only trumpets of war and incendiaries towards rebellion. How much more Christian was that Athenian nun in Plutarch[3], and how shall she rise up in judgment against those men, who, when Alcibiades was condemned by the public justice of the State, and a decree made that all the religious priests and

[1] [Ezek. xxii. 25.]

[2] [*Adagia.* sub tit. *Imperitia*, super prov. 'Dulce bellum inexpertis.' Edit. fol. [Francof.] 1599, coll. 735, 736.]

[3] [In *Vit. Alcib.*]

1642 women should ban and curse him, stoutly refused to perform that office; answering, 'that she was professed religious to pray and to bless, not to curse and to ban.' And if the person and the place can improve and aggravate the offence, (as without doubt it doth, both before God and man,) methinks the preaching treason and rebellion out of the pulpit should be worse than the advancing it in the market, as much as poisoning a man at the Communion would be worse than murdering him at a tavern. And it may be, in that catalogue of sins which the zeal of some men [hath[1]] thought to be the sin against the Holy Ghost, there may not be any one more reasonably thought to be such than a minister of Christ's turning rebel against his prince, (which is a most notorious apostasy against his order,) and his preaching rebellion to the people as the doctrine of Christ; which, adding blasphemy and pertinacy to his apostasy, hath all the marks by which good men are taught to avoid that sin against the Holy Ghost.

43. Within three or four days after the King's remove from Nottingham, the earl of Essex with his whole army removed from Northampton, and marched towards Worcester; of which his majesty had no sooner intelligence than he sent prince Rupert, with the greatest part of the horse, on the other side of the Severn, towards that city; as well to observe the motion of the enemy as to give all assistance to that place, which had declared good affections to him: at least to countenance and secure the retreat of those gentlemen who were there raising forces for the King: but especially to join with sir J[ohn] Byron, whom his majesty had sent in the end of August to Oxford, to convey some money, which had been secretly brought from London thither, to his majesty. And he, after some small disasters in his march by the insurrection of the country people, who were encouraged by the agents for the Parliament and seconded by the officers of the militia, came safe with his charge to Worcester: where he had been very few hours when a strong party of horse and dragoons, being sent by the earl of Essex under the command of Nathaniel Fynes, son to the

[1] ['have,' MS.]

lord Say, came to surprise the town, which was open enough to have been entered in many places, though in some it had an old decayed wall, and at the most usual and frequented entrances into the city weak and rotten gates to be shut, but without either lock or bolt. 1642

44. Yet this doughty commander, coming early in the morning, when the small guard which had watched, conceiving all to be secure, were gone to rest, and being within musket shot of the gate before he was discovered, finding that weak door shut, or rather closed against him, and not that quick appearance of a party within the town as he promised himself, without doing any harm retired in great disorder, and with so much haste that the wearied horse sent out presently to attend him could not overtake any of his train: so that when prince Rupert came thither, they did not conceive any considerable party of the enemy to be near. However, his highness resolved to retire from thence, as soon as he should receive perfect intelligence of the motion of the enemy, or where certainly he was; when on the sudden, being reposing himself on the ground with prince Maurice his brother, the lord Digby, and the principal officers, in the field before the town, some of his wearied troops (for they had had a long march) being by, but the rest and most of the officers being in the town, he espied a fair body of horse, consisting of near five hundred, marching in very good order up a lane within musket shot of him. In this confusion, they had scarce time to get upon their horses, and none to consult of what was to be done, or to put themselves into their several places of command. And it may be it was well they had not; for if all those officers had been in the heads of their several troops, it is not impossible it might have been worse. But the prince instantly declaring that he would charge, his brother, the lord Digby, commissary general Wilmot, sir John Byron, sir Lewis Dives, and all those officers and gentlemen whose troops were not present or ready, put themselves next the prince; the other wearied troops coming in order after them. Sept. 21. Sept. 23.

45. And in this manner the prince charged them as soon as they came out of the lane, and being seconded by this handful

1642 of good men, though the rebels, being gallantly led by colonel Sand[y]s, (a gentleman of Kent, and the son of a worthy father), and completely armed both for offence and defence, stood well, yet in a short time many of their best men being killed, and colonel Sand[y]s himself falling with his hurts, the whole body was routed, fled, and was pursued by the conquerors for the space of above a mile. The number of the slain were not many, not above forty or fifty, and those most officers; for their arms were so good that in the charge they were not to be easily killed, and in the chase the goodness of their horse made it impossible. Colonel Sand[y]s, (who died shortly after of his wounds,) captain Wingate, (who was the more known by being a member of the House of Commons, though taken notice of for having in that charge behaved himself stoutly,) and two or three Scotch officers, were taken prisoners. Of the King's party none of name was lost: commissary general Wilmot hurt with a sword in the side, and sir Lewis Dives in the shoulder, and two or three other officers of inferior note; none miscarrying of their wounds, which was the more strange for that, by reason they expected not an encounter, there was not on the prince's side a piece of armour worn that day, and but few pistols; so that most of the hurt that was done was by the sword. Six or seven cornets were taken, and many good horses, and some arms; for they who ran away made themselves as light as they could [1].

[1] [The following account of this engagement near Worcester is given in the *Life*, p. 192, where it follows § 65 *infra*.

'Whilst this was preparing, the King made a journey to Chester, both to secure that place to his service, (which, being the key of Ireland, was most necessary to be preserved in obedience to him,) and to countenance the lord Strange, who met with some opposition in those parts to a degree he had not apprehended. When his majesty marched towards Shrewsbury, the earl of Essex, not knowing his purpose, went with his army towards Worcester, that he might keep himself between the King and London; and prince Robert chanced to be at the same time in Worcester, as is mentioned before, when he was informed that some of the Parliament forces were even at the gates. Whereupon he drew out those few troops of horse which attended him, that he might take a view of the enemy, and they were no sooner in view than they were engaged mutually in a brisk charge. The earl of Essex had sent Nathaniel Fynes with a regiment of his best horse to take possession of Worcester, where he intended to be

46. This rencounter proved of unspeakable advantage and benefit to the King. For it being the first action his horse had been brought to, and that party of the enemy being the most picked and choice men, it gave his troops great courage, and rendered the name of prince Rupert very terrible, and exceedingly appalled the adversary; insomuch as they had not in a long time after any confidence in their horse, and their very numbers were much lessened by it. For that whole party being routed, and the chief officers of name and reputation either killed or taken, though the number lost upon the place was not considerable, there were very many more who never returned to the service; and, which was worse, for their own excuse in all places talked aloud of the incredible and unresistible courage of prince Rupert 1642

that night with the gross of his army. They were more in number, and much better provided than the prince his troops, but they were by reason of the hedges too near each other to part, before either thought to engage, many of the prince his troops being dismounted, as not looking for [an] enemy, when the first troops, where the prince himself was, charged the other so fiercely that, though they who were in the front behaved themselves well, the colonel himself and the greater part of his troops were routed very easily, and pursued as far as was fit. Wilmot, sir Lewis Dyves, and some other officers, were hurt, but very few of the King's men killed, and none of name. Of the Parliament side near a hundred were killed on the place, Sand[y]s and Wyndham and Walton, and other officers of name, taken prisoners, whereof the first died of his wounds in few days after; and five or six cornets of horse taken. It was a brisk and a seasonable action, and made the prince's name and his troops terrible, and brake the spirits of the other as much, and did entirely break one of the best regiments of horse in that army. The prince understood by the prisoners how near the earl of Essex was, and therefore having come into the town but that morning, and having nothing but horse there, and two or three companies of foot of new unarmed men, levied in the place, he drew all away from thence towards Bewly; but the earl of Essex meeting the marks and evidence of the defeat of his troops, and not knowing what reception he should find at Worcester, stopped his march, and did not enter that city in three days after this action. The King was at Chester when this fell out, whither the prince gave him notice of it, and sent the colours he had taken by his servant Crane, who was knighted for his news; and the King thought it necessary, in regard of the earl of Essex's being at Worcester, to return to Shrewsbury sooner than he intended, and before he had finished the business he went [upon:] and so the lord Strange suffered an affront at Manchester, and the town then shutting their gates against him, they continued in rebellion during the war: and at the same time the earl of Darby died, and the lord Strange succeeded him in that title.']

1642 and the King's horse. So that from this time the Parliament began to be apprehensive that the business would not be as easily ended as it was begun, and that the King would not be brought back to his Parliament with their bare votes. Yet how faintly soever the private pulses beat, (for no question many who had made greatest noise wished they were again to choose their side,) there was so far from any visible abatement of their mettle, that, to weigh down any possible supposition that they might be inclined or drawn to treat with the King, or that they had any apprehension that the people would be less firm and constant to them, they proceeded to bolder acts to evince both than they had yet done.

47. For to the first, to shew how secure they were against resentment from his allies, as well as against his majesty's own power, they caused the Capuchin friars, who by the articles of marriage were to have a safe reception and entertainment in the Queen's family, and had, by her majesty's care and at her charge, a small but a convenient habitation by her own chapel in her own house[1] in the Strand, and had continued there without disturbance from the time of the marriage, after many insolences and indignities offered to them by the rude multitude, even within those gates of her own house, to be taken from thence
1643 Apr. 10[2]. and to be sent over into France, with protestation that if they were found again in England they should be proceeded against as traitors; and this in the face of the French ambassador, who notwithstanding withdrew not from them his courtship and application.

48. Then, that the King might know how little they dreaded
Sept. 22 his forces, they sent down their instructions to the earl of Essex their general, who had long expected them; whereby, amongst other things of form for the better discipline of the army, they required him

[1] [Somerset House, called Denmark House when given to Queen Anne of Denmark by James I.]

[2] [This is the date of a final order by the House of Commons for the transportation of the friars into France, after a first order on September 2, 1642, several conferences with the House of Lords, and some correspondence with the French ambassador.]

49. To march, with such forces as he thought fit, towards the army raised in his majesty's name against the Parliament and the kingdom; and with them, or any part of them, to fight at such time and place as he should judge most to conduce to the peace and safety of the kingdom: and that he should use his utmost endeavour by battle, or otherwise, to rescue his majesty's person, and the persons of the prince and the duke of York, out of the hands of those desperate persons who were then about them. They directed him to take an opportunity in some safe and honourable way to cause the petition of both Houses of Parliament, then sent to him, to be presented to his majesty; and if his majesty should thereupon please to withdraw himself from the forces then about him, and to resort to the Parliament, his lordship should cause his majesty's forces to disband, and should serve and defend his majesty with a sufficient strength in his return. They required his lordship to publish and declare, that, if any who had been so seduced by the false aspersions cast upon the proceedings of the Parliament as to assist the King in acting of those dangerous counsels, should willingly, within ten days after such publication in the army, return to their duty, not doing any hostile act within the time limited, and join themselves with the Parliament in defence of religion, his majesty's person, the liberties and laws of the kingdom, and privileges of Parliament, with their persons and estates, as the members of both Houses and the rest of the kingdom have done, that the Lords and Commons would be ready, upon their submission, to receive such persons in such manner as they should have cause to acknowledge they had been used with clemency and favour; provided that that favour should not extend to admit any man into either House of Parliament who stood suspended, without giving satisfaction to the House whereof he should be a member; and except all persons who stood impeached, or particularly voted in either House of Parliament for any delinquency whatsoever; excepting likewise such adherents of those who stood impeached in Parliament of treason as had been eminent persons and chief actors in those treasons. 1642

50. And lest those clauses of exception (which no doubt comprehended all the King's party, and if not, they were still to be judges of their own clemency and favour, which was all was promised to the humblest penitent) might invite those whom they had no mind to receive on any terms, they vouchsafed a particular exception of the earl of Bristol, the earl of Cumberland, the earl of Newcastle, and the earl of Rivers, the duke of Richmond, the earl of Carnarvan, the lord Newark, and the lord viscount Falkland, principal Secretary of State to his majesty, Mr. Secretary Nicholas, Mr. Endymion Porter, and Mr. Edward Hyde; against not one of whom there was a charge depending of any crime, and against very few of them so much as a vote (which was no great matter) of delinquency.

1642 51. It will be here necessary to insert the petition, directed to be presented 'in some safe and honourable way' to his majesty; the rather for that the same was, upon the reasons hereafter mentioned, never presented; which was afterwards objected to his majesty as a rejection of peace on his part when they desired it. The petition was in these words:

Sept. 21. 52. 'We, your majesty's loyal subjects, the Lords and Commons in Parliament, cannot without great grief and tenderness of compassion behold the pressing miseries, the imminent dangers, and the devouring calamities, which extremely threaten, and have partly seized upon, both your kingdoms of England and Ireland, by the practices of a party prevailing with your majesty; who, by many wicked plots and conspiracies, have attempted the alteration of the true religion and the ancient government of this kingdom, and the introducing of popish idolatry and superstition in the Church and tyranny and confusion in the State; and, for the compassing thereof, have long corrupted your majesty's counsels, abused your power, and, by sudden and untimely dissolving of former Parliaments, have often hindered the reformation and prevention of those mischiefs; and being now disabled to avoid the endeavours of this Parliament by any such means, have traitorously attempted to overawe the same by force; and, in prosecution of their wicked designs, have excited, encouraged, and fostered an unnatural rebellion in Ireland; by which, in a most cruel and outrageous manner, many thousands of your majesty's subjects there have been destroyed; and, by false slanders upon your Parliament, and malicious and unjust accusations, have endeavoured to begin the like massacre here; and being, through God's blessing, therein disappointed, have (as the most mischievous and bloody design of all) drawn your majesty to make war against your Parliament and good subjects of this kingdom, leading in your person an army against them, as if you intended by conquest to establish an absolute and illimited power over them; and by your power, and the countenance of your presence, have[1] ransacked, spoiled, imprisoned, and murdered divers of your people; and, for their better assistance in their wicked designs, do seek to bring over the rebels of Ireland, and other forces, beyond the seas, to join with them.

53. 'And we, finding ourselves utterly deprived of your majesty's protection, and the authors, counsellors, and abettors of these mischiefs in greatest power and favour with your majesty, and defended by you against the justice and authority of your high court of Parliament; whereby they are grown to that height and insolence as to manifest their rage and malice against those of the nobility and others who are any whit inclinable to peace, not without great appearance of danger to your own royal person, if you shall not in all things concur with their wicked and traitorous courses; have, for the just and necessary defence of the Protestant religion, of your majesty's person, crown, and dignity, of the laws and liberties of the kingdom, and the privileges and power of Parliament,

[1] [This correct reading is from the *Commons' Journals*, ii. 776; 'you have,' MS.]

taken up arms, and appointed and authorized Robert earl [of] Essex to be captain general of all the forces by us raised, and to lead and conduct the same against these rebels and traitors, and them to subdue and bring to condign punishment; and do most humbly beseech your majesty to withdraw your royal presence and countenance from these wicked persons; and if they shall stand out in defence of their rebellious and unlawful attempts, that your majesty will leave them to be suppressed by that power which we have sent against them; and that your majesty will not mix your own dangers with theirs, but in peace and safety, without your forces, forthwith return to your Parliament, and, by their faithful counsel and advice, compose the present distempers and confusions abounding in both your kingdoms, and provide for the security and honour of yourself and your royal posterity, and the prosperous estate of all your subjects; wherein if your majesty please to yield to our most humble and earnest desires, we do, in the presence of Almighty God, profess that we will receive your majesty with all honour, yield you all due obedience and subjection, and faithfully endeavour to secure your person and estate from all dangers, and, to the uttermost of our power, to procure and establish to yourself and to your people all the blessings of a glorious and happy reign.' 1642

54. Then, that it might appear they were nothing jealous or apprehensive of the people's defection and revolt from them, whereas before they had made the general desire of the kingdom the ground and argument for whatsoever they had done, and had only invited men to contribute freely what they thought fit to the charge in hand, without compelling any who were unwilling, they now took notice not only of those who opposed their proceedings, or privately dissuaded other men from concurring with them, but of those who, either out of fear or covetousness or both, had neglected really to contribute; and therefore they boldly published their votes, (which were laws to the people, or of much more authority,) 'That all such persons as should not contribute to the charge of the commonwealth, in that time of imminent necessity, should be disarmed and secured;' and that this vote might be the more terrible, they ordered, the same day, the mayor and sheriffs of London to search the houses, and seize the arms, belonging to some aldermen, and other principal and substantial citizens of London whom they named in their order, 'for that it appeared by the report from their committee, that they had not contributed, as they ought, to the charge of the commonwealth.' Oct. 15. Oct. 15.

55. And by this means the poorest and lowest of the people

1642 became informers against the richest and most substantial; and the result of searching the houses and seizing the arms was the taking away plate and things of the greatest value, and very frequently plundering whatsoever was worth the keeping. They
Oct. 15. further appointed that the fines, rents, and profits of archbishops, bishops, deans, deans and chapters, and of all delinquents who had taken up arms against the Parliament, or had been active in the commission of array, should be sequestered for the use and benefit of the commonwealth. And that the King might not
Oct. 15. fare better than his adherents, they directed all his revenue arising out of rents, fines in courts of justice, composition for wards, and the like, and all other his revenue, should be brought into the several courts and other places where they ought to be paid in, and not issued forth, or paid forth, until further order should be taken by both Houses of Parliament; without so much as assigning him any part of his own towards the support of his own person.

56. This stout invasion of the people's property, and compelling them to part with what was most precious to them, any part of their estates, was thought by many an unpolitic act in the morning of their sovereignty, and that it would wonderfully have irreconciled their new subjects to them. But the conductors well understood that their empire already depended more on the fear than love of the people: and that as they could carry on the war only by having money enough to pay the soldiers, so, that whilst they had that, probably they should not want men to recruit their armies upon any misadventure.

57[1]. It cannot be imagined how great advantage the King received by the Parliament's rejecting the King's messages for peace, and their manner in doing it. All mens' mouths were opened against them, the messages and answers being read in all churches[2]. They who could not serve him in their persons con-

[1] [The text is here, in §§ 57–61, 64–66, taken up from the *Life*, pp. 189–93.]

[2] [The nine lines following originally stood thus in the MS.:—

'When Mr. Hyde came from London towards York, to attend the King, he made Oxford his way; and there conferring with his friend Dr. Sheldon, then warden of All Souls, of the ill condition the King was in, by his extreme want of money, with which there could be no way to supply him,

trived ways to supply him with money. Some eminent governors 1642
in the universities gave him notice that all the colleges were very plentifully supplied with plate, which would amount to a good value and lay useless in their treasuries, there being enough besides for their use; and there was not the least doubt but that whensoever his majesty should think fit to require that treasure, it would all be sent to him. Of this the King had long thought, and when he was at Nottingham [1], in that melancholic season, two gentlemen were despatched away to Oxford and to Cambridge, (two to each,) with letters to the several July 7.
vice-chancellors, that [they] should move the heads and principals of the several colleges and halls that they would send their plate to the King; private advertisements being first sent to some confident persons to prepare and dispose those without whose consent the service could not be performed.

58. This whole affair was transacted with so great secrecy and discretion that the messengers returned from the two universities in as short a time as such a journey could well be made, and brought with them all, or very near all, their plate, and a considerable sum of money which was sent as a present to his majesty from several of the heads of colleges out of their own particular stores; some scholars coming with it, and helping to procure horses and carts for the service; all which came safe to Nottingham at the time when there appeared no more expectation of a treaty, and contributed much to raising the dejected spirits of the place. The plate was presently weighed out, and delivered to the several officers who were intrusted to make levies of horse and foot, and who received it as money; the rest was carefully preserved to be carried with the King when he

the Parliament being possessed of all his revenue, the doctor told him, and wished him to inform the King of it, that all the colleges in Oxford, and he did believe the like of Cambridge, were very plentifully supplied with plate, which would amount to a good value, and lay useless in their treasuries, there being enough besides for their use; and he had not the least doubt but that whensoever his majesty should think fit to require that treasure, it would all be sent to him. He had given the king information of this as soon as he came to York, and when he was at Nottingham, in that melancholic season, he put him in mind again of it, and then two gentlemen were despatched,' &c.]

[1] [at York.]

1642 should remove from thence; secret orders being sent to the officers of the Mint to be ready to come to his majesty as soon as he should require them, which he meant to do as soon as he should find himself in a place convenient. There was now no more complaining or murmuring. Some gentlemen undertook to make levies upon their own credit and interest, and others sent money to the King upon their own inclinations.

59. There was a pleasant story then much spoken of in the Court, which administered some mirth. There were two great men who lived near Nottingham, both men of great fortunes and of great parsimony, and known to have much money lying by them, Purpoint [Pierrepoint], earl of Kingston, and Leake, lord Dencourt. To the former the lord Capell was sent; to the latter, John Ashburnham, of the bedchamber, and of entire confidence with his master; each of them with a letter, all written with the King's hand, to borrow of each ten or five thousand pounds. Capell was very civilly received by the earl, and entertained as well as the ill accommodations in his house and his manner of living would admit. He expressed, with wonderful civil expressions of duty, the great trouble he sustained in not being able to comply with his majesty's commands. He said, 'all men knew that he neither had nor could have money, because he had every year, of ten or a dozen which were past, purchased a thousand pound land a year: and therefore he could not be imagined to have any money lying by him, which he never loved to have. But,' he said, 'he had a neighbour who lived within few miles of him, the lord Dencourt, who was good for nothing, and lived like a hog, not allowing himself necessaries, and who could not have so little as twenty thousand pounds in the scurvy house in which he lived,' and advised that he might be sent to, who could not deny the having of money: and concluded with great duty to the King and detestation of the Parliament, and as if he meant to consider farther of the thing, and to endeavour to get some money for him: which though he did not remember to send, his affections were good, and he was afterwards killed in the King's service.

60. Ashburnham got no more money, nor half so many good words. The lord Dencourt had so little correspondence with

the Court that he had never heard his name; and when he had 1642
read the King's letter, he asked from whom it was; and when he told him that he saw it was from the King, he replied that 'he was not such a fool as to believe it; that he had received letters both from this King and from his father;' and hastily ran out of the room, and returned with half a dozen letters in his hand, saying, that 'those were all the King's letters, and that they always begin with *Right trusty and well-beloved*, and that the King's name was ever at the top; but this letter began with *Dencourt*, and ended with *your loving friend C. R.*, which,' he said, 'he was sure could not be the King's hand.' His other treatment was according to this, and after an ill supper he was shewed an indifferent bed, the lord telling him that 'he would confer more of the matter in the morning;' he having sent his servant with a letter to the lord Falkland, who was his wife's nephew, and who had scarce ever seen his uncle. The man came to Nottingham about midnight, and found my lord Falkland in his bed[1]. The letter was to tell him, that 'one Ashburnham was with him, who brought him a letter which he said was from the King; but he knew that could not be; and therefore he desired to know who this man was, whom he kept in his house till the messenger should return.' In spite of the laughter which could not be forborne, the lord Falkland made haste to inform him of the condition and quality of the person, and that the letter was writ with the King's own hand, which he seldom vouchsafed to do. And the messenger returning early the next morning, his lord treated Mr. Ashburnham with so different a respect that he, who knew nothing of the cause, believed that he should return with all the money that was desired. But it was not long before he was undeceived. The lord, with as cheerful a countenance as his could be, (for he had a very unusual and unpleasant face,) told him that 'though he had no money himself, but was in extreme want of it, he would tell him where he might have money enough; that he had a neighbour, who lived within four or five miles, the earl of Kingston, that never did good to any body, and loved nobody

[1] [originally in the MS., 'who was then in his bed with Mr. Hyde.']

1642 but himself, who had a world of money, and could furnish the King with as much as he had need of; and if he should deny that he had money when the King sent to him, he knew where he had one trunk full, and would discover it; and that he was so ill beloved, and had so few friends, that nobody would care how the King used him.' And this good counsel was all Mr. Ashburnham could make of him: and yet this wretched man was so far from wishing well to the Parliament, that, when they had prevailed and were possessed of the whole kingdom as well as of Nottinghamshire, he would not give them one penny, nor compound for his delinquency, as they made the having lived in the King's quarters to be; but suffered his whole estate to be sequestered, and lived in a very miserable fashion, only by what he could ravish from his tenants; who, though they paid their rents to the Parliament, were forced by his rage and threats to part with so much as kept him, till he died, in that condition he chose to live in: his conscience being powerful enough to deny himself, though it could not dispose him to grant to the King. And thus the two messengers returned to the King, so near the same time that he who came first had not given his account to the King before the other entered into his presence.

61. And the same day, one Sacheverel, who was a gentleman, and known to be very rich, being pressed to lend the King five hundred pounds, sent him a present of one hundred pieces in gold, 'which,' he said, 'he had procured with great difficulty,' and protested, with many execrable imprecations, that 'he had never in his life seen five hundred pounds of his own together;' when, within one month after the King's departure, the Parliament troops, which borrowed in another style, took five thousand pounds from him, which was lodged with him in the chamber in which he lay. Which is therefore mentioned in this place, that upon this occasion it may be seen, that the unthrifty retention of their money which possessed the spirits of those who did really wish the King all the success he wished for himself, was the unhappy promotion of all his misfortunes: and if they had in the beginning but lent the King the fifth part of

what, after infinite losses, they found necessary to sacrifice to his enemies in the conclusion, to preserve themselves from total ruin, his majesty had been able, with God's blessing, to have preserved them and to have destroyed all his enemies. 1642

62[1]. The news of the important victory before Worcester

[1] [§§ 62, 63 are from the *Hist.*, p. 355, the *Life* continuing thus, pp. 190–1:—

'The King was weary of Nottingham, where he had received so many mortifications, and was very glad in so short a time to find himself in a posture fit to remove from thence. The general, earl of Lindsey, had brought to him a good regiment of foot out of Lincolnshire, of near one thousand men, very well officered; and the lord Willoughby by his son, who had been a captain in Holland, and to whom his majesty had given the command of his guards, had brought up likewise from Lincolnshire another excellent regiment, near the same number, under officers of good experience. John Bellasis, a younger son of the lord Falconbridge, and sir William Penniman were come up from Yorkshire to the standard, with each of them a good regiment of foot, of about six hundred men, and each of them a troop of horse. Though his train of artillery was but mean, and his provision of ammunition much meaner, yet it was all he could depend [upon,] and therefore it was to be well spent, and as soon as might be, all the impatience being now to fight. The lord Paget, who left the parliament shortly after the King came to York, to expiate former transgressions, had undertaken to raise a good regiment of foot in Staffordshire, where his best interest was; and some other persons of condition had made the same engagements for Wales. The lord Strange (for his father the earl of Derby was then living) was thought to have much more power in Cheshire and Lancashire than in truth he had, and some of the best men of those counties had commissions to raise both horse and foot in those counties; so that though the King was not resolved where to make a stand, yet it appeared necessary to make his march towards those parts. For all the reasons mentioned, Shrewsbury was by all men thought to be the best post, because of the communication it had with all the other counties; but they could not be sure of admittance there. Some principal gentlemen of that county, and members of the House of Commons, were then there to persuade the country to submit to the ordinance of Parliament; yet Mr. Hyde had kept an intelligence with the mayor of the town by a churchman who was a canon of a collegiate church there, and a dexterous and discreet person, who had been at Nottingham with him, and given him a full account of the humour and disposition of that people; and he had by his majesty's order sent him again thither, with such instructions and letters as were necessary for the negociation. The first day's march was from Nottingham to Darby, in the middle way to which the army was drawn up, horse and foot, and was the first time his majesty had a view of them; and that day the lord Paget's regiment of foot increased the number, and the whole made so good an appearance that all men were even wishing for the earl of Essex, and all fears were vanished. Sept. 13.

1642 found the King at Chester, whither his majesty thought neces-
Sept. 23. sary to make a journey himself as soon as he came to Shrews-
bury, both to assure that city to his service, which was the key
to Ireland, and to countenance the lord Strange (who by the
Sept. 29. death of his father became within few days earl of Darby)
against some opposition he met with on the behalf of the Par-
liament. Here Crane, sent by prince Rupert, gave him an ac-
count of that action, and presented him with the ensigns which
had been taken, and informed him of the earl of Essex's being in
Sept. 27. Worcester; which made the King to return sooner to Shrewsbury
than he intended, and before the earl of Darby was possessed of
that power which a little longer stay would have given him.

63. Prince Rupert the same night after his victory, finding the gross of the rebels' army to be within five or six miles, against which that city was in no degree tenable though all the King's foot had been there, retired from Worcester on the Welsh side of the river, without any disturbance, and with all his prisoners, (colonel Sand[y]s only excepted, whom he charitably left to die of his wounds there,) into his quarters near Shrewsbury; the earl of Essex being so much startled with his late defeat that he advanced not in two days after, and then, being surely informed that he should find no resistance, he entered with his army into Worcester, using great severity to those citizens who had been eminently inclined to the

Sept. 17. From Darby the King marched to Stafford, and gave order that no prejudice should be done to the earl of Essex his house or park at Chartley, which was in view of the way, and would otherwise have been pulled down and destroyed. Here Mr. Hyde received a letter from the canon of Shrewsbury that the committee of Parliament had left the town, and he believed there would not be the least pause in receiving the King. However, the King would not declare which way he would march till he had more assurance, and so sent Mr. Hyde to Shrewsbury, to give him speedy notice before he declined the way to Chester; and receiving from him the next day an account that the town was well resolved, and that the mayor, though an old humorous fellow, had prepared all things for his reception,
Sept. 20. the King came with the whole army to Shrewsbury before the end of September. Prince Rupert, within few days after, marched on the Welsh side of Severn to Worcester, to countenance some levies of foot which were there preparing. Upon the King's coming to Shrewsbury,' &c. *as in section 64, l. 1.*]

King's service, and sending the principal of them prisoners to London. 1642

64. Upon the King's coming to Shrewsbury, there was a very great conflux of the gentry of that and the [neighbouring counties [1],] which were generally well affected, and made great professions of duty to his majesty: some of them undertook to make levies of horse and foot, and performed it at their own charge. The town was very commodious in all respects, strong in its situation, and, in respect of its neighbourhood to North Wales and the use of the Severn, yielded excellent provisions of all kinds, so that both Court and army were very well accommodated; only the incurable disease of want of money could not be assuaged in either. Yet whilst they sat still, it was not very sensible, much less importunate. The soldiers behaved themselves orderly, and the people were not inclined or provoked to complain of their new guests; and the remainder of the plate which was brought from the universities, together with the small presents in money which were made to the King by many particular persons, supplied the present necessary expenses very conveniently. But it was easily discerned that when the army should move, which the King resolved it should do with all possible expedition, the necessity of money would be very great; and the train of artillery, which is commonly a spunge that can never be filled or satisfied, was destitute of all things which were necessary for motion, nor was there any hope that it could march till a good sum of money were assigned to it. Some carriage-horses and waggons which were prepared for the service of Ireland, and lay ready at Chester to be transported with the earl of Leicester, Lieutenant of that kingdom, were brought to Shrewsbury by his majesty's order for his own train: and the earl's passionate labouring to prevent or remedy that application [2], with some other reasons, hindered the earl himself from pursuing that journey, and, in the end, deprived him of that province. But this seasonable addition to the train increased the necessity of money, there being more use of it thereby. Sept. 20.

[1] ['the neighbours,' MS.]

[2] [See *Lords' Journals*, V. 359.]

1642 65. Two expedients were found to make such a competent provision for all wants, that they were at last broken through. Some person of that inclination had insinuated to the King that if the Catholics, which that and the adjacent counties were well inhabited by, were secretly treated with, a considerable sum of money might be raised amongst them; but it must be carried with great privacy, that no notice might be taken of it, the Parliament having declared so great animosity against them: nor did it in that conjuncture concern the King less that it should be very secret, to avoid the scandal of a close conjunction with the Papists, which was every day imputed to him. Upon many consultations how and in what method to carry on this design, the King was informed that if he would depute a person much trusted by him[1], to that service, the Catholics would trust him, and assign one or two of their body to confer with him, and by this means the work might be carried on. Hereupon the King sent for that person[1], and told this whole matter, as it is here set down, and required him to consult with such a person, whom he would send to him the next morning[2]. And the next morning a person of quality, and very much trusted by all that party, came to him to confer upon that subject, and shewed a list of the names of all the gentlemen of quality and fortune of that religion, and who were all convict recusants, who lived within those counties of Shropshire and Stafford; who appeared to be a good number of very valuable men, on whose behalf he had only authority to conclude, though he believed that the method they agreed on there would be submitted to and confirmed by that people in all other places. He said, 'they would by no means hearken to any motion for the loan of money, for which they had paid so dear upon their serving the King in that manner in his first

[1] [Originally in the MS., 'Mr. Hyde.']

[2] [The following sentence has been here struck out in the MS.:—'He was surprised with the information that that *classis* of men had made choice of him for their trust, for which he could imagine no reason but that he had been often of counsel with some persons of quality of that profession, who yet knew very well that he was in no degree inclined to their persuasion. He submitted to the King's pleasure.']

expedition against the Scots.' It was in the end agreed upon, 1642
that the King should write to every one of them to pay him an advance of two or three years of such rent as they were every year obliged to pay to him upon the composition they had made with him for their estates, which would amount to a considerable sum of money; which letters were accordingly writ, and within ten or twelve days between four and five thousand pounds were returned to his majesty; which was a seasonable supply for his affairs [1].

66. At his return to Shrewsbury the King found as much Sept. 27.
done towards his march as he expected. And then the other expedient (which was hinted before) for money offered itself. There was a gentleman of a very good extraction, and of the best estate of any gentleman of that country, one Sir Richard Newport [2], who lived within four or five miles of Shrewsbury, who was looked upon as a very prudent man, and had a very powerful influence upon that people, and was of undoubted affections and loyalty to the King and to the government both in Church and State: his eldest son, Francis Newport [2], was a young gentleman of great expectation and of excellent parts, a member of the House of Commons, who had behaved himself very well there [3]. This gentleman intimated to a friend of his that if his father might be made a baron, he did believe he might be prevailed with to present his majesty with a good sum of money. It was proposed to the King, who had no mind to embrace the proposition, his majesty taking occasion often to speak against 'making merchandise of honour; how much the Crown suffered at present by the license of that kind which had been used during the favour of the duke of Buckingham; and that he had not taken a firmer resolution against

[1] [An account of prince Rupert's engagement at Powick near Worcester follows here in the MS., which will be found in the note to § 45 *supra*.]

[2] [The name has been struck out in the MS.]

[3] [The following lines are here struck out in the MS.:—'and was then newly married to the daughter of the late earl of Bedford. This young gentleman was well acquainted with Mr. Hyde, and formerly spoke to him as if he wished his father might be made a baron.' And for the words, 'it was proposed to the King' the original reading was, 'Mr. Hyde had spoken to the King.']

1642 many things than against this particular expedient for the raising money.' However, after he returned from Chester, and found by the increase of his levies and the good disposition all things were in, that he might in a short time be able to march, and in so good a condition that he should rather seek the rebels than decline meeting with them, if the indispensable want of money did not make his motion impossible, the merit and ability of the person, and the fair expectation from his posterity, he having two sons, both very hopeful, prevailed with his majesty to resume the same overture; and in few
Oct. 14. days it was perfected, and sir Ri. Newport was made baron Newport of Hiarchall [High Ercall][1] who presented the sum of £6000 to his majesty; whereupon all preparations for the army were prosecuted with effect[2].

[1] [This line is altered in the MS. to, 'and the gentleman was made a baron.']

[2] [The MS. of the *Life* proceeds thus:—

1. 'As soon as the earl of Essex came to Worcester he found himself obliged to send to the King. The Parliament found very sensibly that they had lost much of the people's veneration by having rejected the King's propositions for peace, and that very many who had talked loud and were for raising an army whilst they thought it impossible for the King to raise any, when they now saw that the King was like to be in the head of an army too, repented heartily what they had done, and wished nothing more than to prevent the two armies meeting in battle; which could be no otherways done but by a treaty; and they who had, as they believed, proceeded too far to be capable of security by any other expedient than by victory, and by reducing the King into the same straits he was in before he had an army, which they had no reason to despair of, were yet too wise to profess that they desired the war, but seemed only to wish for such a peace as might be security to the people against all such oppressions as they had formerly undergone; and therefore they now prepared a message to the King, which should be sent to the earl of Essex and by him to his majesty, and made the people believe that they had now made such an address to the King as would prevent the shedding of blood, and that a peace would be quickly concluded. The earl of Essex sent this message from Worcester by a gentleman who was only a trooper in his guards, one Fleetwood, a son of sir Miles Fleetwood, the same man who had afterwards so great power in the army and was so much spoken of. This person, with a trumpet, came to Worcester, with a letter from the earl of Essex to the earl of Dorset, in which the message was enclosed, the letter containing some civil expression of confidence that he to whom it was directed did desire the peace of the kingdom and to prevent a civil war, and therefore

67. As soon as the King came to Shrewsbury, he had 1642
despatched his letters and agents into Wales, Cheshire, and

desired him to deliver that message to the King; which message renewed their old professions of duty, and how desirous they were to prevent a civil war and to return to their obedience; and therefore desired him to withdraw from his evil counsellors who had so much misled him, and to return to his Parliament, who thought of nothing but to make him great and glorious; and in order to his safety, and to defend him from his enemies, they had appointed the earl of Essex to receive him, who would perform all the offices of respect and duty to him which could be expected; and when he was returned to his Parliament he should find that all the professions they had made to him were very sincere. Though the King had indignation enough for such an invitation, it was not thought worthy of any answer from him, and the earl of Dorset did not think himself obliged by the employment, or by any of the expressions of their good opinion; and so it was concluded that the messenger should return without any answer.

2. Within little more than twenty days from the time that the King came to Shrewsbury, he was in a posture convenient to find out the enemy. Wales had yielded him two or three good regiments of foot and some troops of horse, and Cheshire and Lancashire as many. The lord Grandison and sir John Byron had brought in their regiments of horse well completed, and the lord Digby had drawn together some troops of his. The greatest defect was, that many of the horse and foot were so much without arms, that some regiments of foot had not above two or three companies which had any arms, and the rest only had cudgels, and few of the horse had any firearms, and some without swords. However, sitting still would bring no supply of that kind, and therefore the King resolved to march, and, when he had got what he could from the train-bands, that the soldiers must do the rest upon the charge of the enemy, with whom every body desired to encounter. And as on the Parliament side the opinion that the King could never raise an army was the true reason that they did raise one, and so the cause of the war, together with the general opinion that the Parliament would never raise a rebellion; so on the King's side the confidence that one battle would end and determine the war, in a total subduing one party and extinguishing all the fire that kindled it, and consequently all counsels being directed to that one end of fighting, was the principal cause of continuing the war; whereas if the King had only stood upon the defensive in all places where he had power, and declined all occasions of fighting as much as had been possible, and so ordered all contributions and supplies of money to the equal support of the army, it would probably have succeeded better; and those divisions would sooner have fallen out in the Parliament party which at last ruined themselves, after it had first destroyed the King and ruined the kingdom. But the making head against a rebellion and the supporting a civil war was so much above the comprehension of any man, that very few guessed aright what they would do, or could judge what was fit to be done by the King. The truth is, so many contrary causes contributed to the production of the

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1642 Lancashire, to quicken the levies of men which were making there, finding[1] that the Parliament had been very solicitous and active in those counties of Cheshire and Lancashire, and that many of the gentry of those populous shires were deeply engaged in their service, and the loyal party so much depressed
Sept. 14. that the House of Commons had sent up an impeachment of high treason against the lord Strange, who, being son and heir apparent of the earl of Darby, and possessed of all his father's fortune in present, was then looked upon as of absolute power over that people, and accused him that he had, with an intent and purpose to subvert the fundamental laws and government of the kingdom of England, and the rights and liberties and the very being of Parliaments, and to set sedition between the King and his people, at Manchester of Lancaster, and at several other places, actually, maliciously, rebelliously, and traitorously summoned and called together great numbers of his majesty's subjects, and incited, persuaded, and encouraged them to take up arms, and levy war against the King, Parliament, and kingdom; that he had in a hostile manner invaded the kingdom, and killed, hurt, and wounded divers of his majesty's subjects, had set sedition betwixt the King and his people, and then was in open and actual rebellion against the
Sept. 16. King, Parliament, and kingdom. And upon this impeachment a formal order passed both Houses, (which was industriously published, and read in many churches of those counties,) declaring his treason, and requiring all persons to apprehend him; whereby not only the common people, who had obeyed his warrants, but his lordship himself, (who had only executed the commission of array, and the seditious party at the same time exe-
July 15. cuting their ordinance of militia, some blows had passed, whereof one or two had died,) was more than ordinarily dismayed.

same effects, that the prophecy of Esdras seemed to be accomplished in that time: *And salt waters shall be found in the sweet, and* [*all*] *friends shall destroy one another; then shall wit hide itself, and understanding withdraw itself into his secret chamber.* 2 Esdras v. 9.']

[1] ['And finding,' MS. From here to the words 'inclinations or professions,' near the end of this section, the whole passage has been crossed out in the MS. of the *Hist.*, from which (pp. 356–8) sections 67–75 are taken.]

His majesty himself, leaving his household and army at Shrews- 1642
bury, went in person with his troop of guards only to Chester, Sept. 23.
presuming that his presence would have the same influence there it had had in all other places, to compose the fears and apprehensions of all honest men, and to drive away the rest; which fell out accordingly: for, being received and entertained with all demonstrations of duty by the city of Chester, those who had been most notably instrumental to the Parliament withdrew themselves, and the nobility and gentry, and indeed the common people, flocked to him, the former in very good equipage, and the latter with great expressions of devotion: yet in Cheshire Nantwich, and Manchester in Lancashire, made some shows, by fortifying and seditious discourses, of resistance and disaffection, and into those two places the seditious persons had retired themselves. To the first, the lord Grandison was sent with a Sept. 29.
regiment of horse and some few dragooners, with the which, and his dexterous taking advantage of the people's first apprehensions before they could take advice what to do, he so awed that town, that after one unskilful volley they threw down their arms, and he entered the town, took the submission and oaths of the inhabitants for their future obedience, and having caused the small works to be slighted and all the arms and ammunition to be sent to Shrewsbury, he returned to his majesty. For Manchester, the lord Strange, who had by his majesty's favour and encouragement recovered his spirits, undertook, without troubling his majesty farther northward, in a very short time to reduce that place, (which was not so fortunately performed, because not so resolutely pursued,) and to send a good body of foot to the King to Shrewsbury. So that his majesty within a week, leaving all parts behind him full of good inclinations or professions, returned through the north parts of Wales (where he found the people cordial to him and Sept. 28.
arming themselves for him) to Shrewsbury. The King's custom was, in all counties through which he passed, to cause the high shrief to draw all the gentlemen and the most substantial inhabitants of those parts together, to whom (besides his caressing the principal gentlemen severally, familiarly, and very

1642 obligingly) he always spake something publicly, (which was afterwards printed,) telling them,

68. 'That it was a benefit to him from the insolences and misfortunes which had driven him about, that they had brought him to so good a part of his kingdom and to so faithful a part of his people. He hoped neither they nor he should repent their coming together. He would do his part that they might not; and of them he was confident before he came.' He told them, 'the residence of an army was not usually pleasant to any place; and his might carry more fear with it, since it might be thought, (being robbed and spoiled of all his own, and such terror used to fright and keep all men from supplying him,) he must only live upon the aid and relief of his people.' But he bid them 'not to be afraid,' and said, 'he wished to God his poor subjects suffered no more by the insolence and violence of that army raised against him, though they had made themselves wanton with plenty, than they should do by his; and yet he feared he should not be able to prevent all disorders; he would do his best; and promised them no man should be a loser by him, if he could help it.' He said, 'he had sent for a mint, and would melt down all his own plate, and expose all his land to sale or mortgage, that, if it were possible, he might bring the least pressure upon them.' However, he invited them 'to do that for him and themselves, for the maintenance of their religion and the law of the land, (by which they enjoyed all that they had,) which other men did against them;' he desired them, 'not to suffer so good a cause to be lost for want of supplying him with that which would be taken from them by those who pursued his majesty with that violence; and whilst those ill men sacrificed their money, plate, and utmost industry, to destroy the commonwealth, they would be no less liberal to preserve it.' He bade them 'assure themselves, if it pleased God to bless him with success, he would remember the assistance every particular man gave him to his advantage. However, it would hereafter (how furiously soever the minds of men were now possessed) be honour and comfort to them, that, with some charge and trouble to themselves, they had done their part to support their King and preserve the kingdom[1].'

69. His majesty always took notice of any particular reports, which, either with reference to the public or their private [concerns], might make impression upon that people, and gave clear answers to them. So that, with this gracious and princely demeanour, it is hardly credible how much he won upon the people; so that not only his army daily increased by volunteers, (for there was not a man pressed), but such proportions of plate and money were voluntarily brought in that the army was fully and constantly paid: the King having erected a mint

[1] [The above passages are taken from the King's speech to the people of Shropshire at Shrewsbury on Sept. 28. *Rushworth*, III. ii. 23.]

at Shrewsbury more for reputation than use, (for, for want of workmen and instruments, they could not coin a thousand pound a week,) and causing all his own plate for the service of his household to be delivered there made other men think theirs was the less worth preserving. 1642

70. Shortly after the earl of Essex came to Worcester, he sent a gentleman (one Fleetwood, the same who had afterwards so great power in the army, though then a trooper in his guards) to Shrewsbury, without a trumpet, or any other ceremony than a letter to the earl of Dorset; in which he said he was appointed by the Parliament to cause a petition, then in his hands, to be presented to his majesty; and therefore desired his lordship to know his majesty's pleasure when he would be pleased to receive it from such persons as he should send over with it. The earl of Dorset (by his majesty's command, after it had been debated in Council what answer to return) sent him word in writing, that the King had always been, and would be still, ready to receive any petition from his two Houses of Parliament; and if his lordship had any such to be presented, if he sent it by any persons who stood not personally accused by him of high treason, and excepted specially in all offers of pardon made by him, the person who brought it should be welcome, and the King would return such an answer to it as should be agreeable to honour and justice [1]. Whether this limitation as to messengers displeased them, (as it was afterwards said that the messengers appointed to have delivered it were the lord Mandeville and Mr. Hambden, who, they thought, would have skill to make infusions into many persons then about his majesty; and their access being barred by that limitation and exception, they would not send any other,) or what other reason soever there was, the King heard no more of this petition, or any address of that nature, till he found, by some new printed votes and declarations, that he was guilty of another breach of the privilege of Parliament, for having refused Sept. 26. Sept. 28. Oct. 3.

[1] [There is nothing equivalent to the words 'and the King—justice' in the earl of Dorset's letter as printed in the *Lords' Journals*, V. 380. *Cf.* for this section the note to § 66.]

1642 to receive their petition except it were presented in such manner as he prescribed: whereas they alone were judges in what manner and by what persons their own petitions should be delivered, and he ought so to receive them. And so that petition, which is before set down in the very terms it passed both Houses [1], was never delivered to his majesty [2].

71. There cannot be too often mention of the wonderful providence of God, that, from that low despised condition the King was in at Nottingham after the setting up his standard, he should be able to get men, money, or arms, and yet within twenty days after his coming to Shrewsbury he resolved to march in despite of the enemy even towards London; his foot by this time consisting of about 6000 and his horse of 2000; his train in very good order, commanded by sir John Haydon. And though this strength was much inferior to the enemy, yet as it was greater than any man thought possible to be raised, so all thought it sufficient to encounter the rebels; besides that it was confidently believed, (and not without some grounds of correspondence with some officers in the other army,) that, as soon as the armies came within any reasonable distance of each other, very many soldiers would leave their colours and come to the King; which expectation was confirmed by some soldiers who every day dropped in from those forces, and, to make themselves welcome, told many stories of their fellows' resolutions whom they had left behind.

72. And this must be confessed, that, either by the care and diligence of the officers, or by the good inclinations and temper of the soldiers themselves, the army was in so good order and discipline, that, during the King's stay at Shrewsbury, there was not a disorder of name, the country being very kind to the soldiers, and the soldiers just and regardful to the country. And by the free loans and contributions of the gentlemen and substantial inhabitants, but especially by the assistance of the

[1] [See §§ 52, 53.]

[2] [It was again offered in pursuance of an order of the Houses of Oct. 7, by the earl of Essex for presentation on Oct. 15, and again refused by the King. *Lords' Journals*, V. 412.]

nobility who attended, the army was so well paid that there 1642
was not the least mutiny or discontent for want of pay; nor was there any cause; for they seldom failed every week, never went above a fortnight unpaid.

73. The greatest difficulty was to provide arms; of which indeed there was a wonderful scarcity, the King being exceedingly disappointed in his expectation of arms from Holland, a vessel or two having been taken by his own ships under the command of the earl of Warwick; so that, except 800 muskets, 500 pair of pistols, and 200 swords, which came with the powder which was landed in Yorkshire, as is before mentioned[1], the King had none in his magazine; so that he was compelled to begin at Nottingham, and so in all places as he passed, to borrow the arms from the train-bands; which was done with so much wariness and caution, (albeit it was known that those arms would, being left in those hands, be employed against him, or at least be of no use to him,) that it was done rather with their consent than by any constraint, and always with the full approbation of their commanders. And therefore in Yorkshire and Shropshire, where the gentlemen very unskilfully, though with good meaning, desired that the arms might still be left in the countrymen's hands, there was none of that kind of borrowing. But in all places the noblemen and gentlemen of quality sent the King such supplies of arms out of their own armories, (which were very mean); so that, by all these means together, the foot, (all but three or four hundred who marched without any weapon but a cudgel,) were armed with muskets, and bags for their powder, and pikes; but in the whole body there was not one pikeman had a corslet, and very few musketeers who had swords. Amongst the horse, the officers had their full desire if they were able to procure old backs and breasts and pots, with pistols or carbines for their two or three first ranks, and swords for the rest; themselves (and some soldiers by their examples) having gotten, besides their pistols and swords, a short pole-axe.

74. The foot were divided into three brigades; the first commanded by sir Nicholas Byron, the second by colonel

[1 Book V, § 374.]

1642 Harry Wentworth, and the third by colonel Richard Feilding; sir Jacob Ashley being major general, and commanding the foot immediately under the general. For though general Ruthin, who came to the King some few days before he left Shrewsbury, were made field-marshal, yet he kept wholly with the horse, to assist prince Rupert: and sir Arthur Aston, (of whose soldiery there was then a very great esteem,) was made colonel general of the dragoons, which at that time, though consisting of two or three regiments, were not above eight hundred, or a thousand at the most. Most of the persons of honour and quality, (except those whose attendance was near the King's own person,) put themselves into the King's troop of guards, commanded by the lord Bernard Steward, and made indeed so gallant a body, that upon a very modest computation the estate and revenue of that single troop might justly be valued at least equal to all theirs who then voted in both Houses under the name of the Lords and Commons of Parliament, and so made and maintained that war. Their servants, under the command of sir William Killigrew, made another full troop, and always marched with their lords and masters.

Oct. 12. 75. In this equipage the King marched from Shrewsbury on the 12th of October to Bridgenorth, never less baggage attending a royal army, there being not one tent and very few waggons belonging to the whole train; having in his whole army not one officer of the field who was a Papist, except sir Arthur Aston, if he were one; and very few common soldiers of that religion. However, the Parliament in all their declarations, and their clergy much more in their sermons, assured the people that the King's army consisted only of Papists, whilst themselves entertained all of that religion that they could get; and very many, both officers and soldiers, of that religion engaged with them; whether it was that they really believed that that army did desire liberty of conscience for all religions, as some of the chief of them pretended, or that they desired to divide themselves for communication of intelligence and interest. And here it is not fit to forget one particular, that, when the committee of Parliament appointed to advance the service,

upon the propositions for plate and horses, in the county of Suffolk, sent word to the House of Commons that some Papists offered to lend money upon those propositions, and desired advice whether they should accept of it, it was answered that if they offered any considerable sum, whereby it might be conceived to proceed from a real affection to the Parliament, and not out of policy to bring themselves within their protection and so to excuse their delinquency, it should be accepted of. 1642

76[1]. When the King was ready for his march, there was some difference of opinion which way he should take; many were of opinion that he should march towards Worcester, where the earl of Essex still remained; those countries were thought well-affected to the King, where his army would be supplied with provisions and increased in numbers; and that no time should be lost in coming to a battle, because the longer it was deferred the stronger the earl would grow by the supplies which were every day sent to him from London; and he had store of arms with him to supply all defects of that kind. However, it was thought more counsellable to march directly towards London, it being morally sure that the earl of Essex would put himself in their way. The King had much confidence in his horse, (his nephew, prince Rupert, being in the head of them,) which were fleshed by their success at Worcester; and if he had made his march that way, he would have been entangled in the enclosures, where his horse would have been less useful; whereas there were many great *campanias* near the other way, much fitter for an engagement. And so, about the middle of October, the King marched from Shrewsbury, and Oct. 12. quartered that night at Bridgenorth, ten miles from the other place, where there was a rendezvous of the whole army, which appeared very cheerful; and so to Wolleyhampton [Wolver- Oct. 15. hampton], Bromedgeham [Birmingham], and Killingworth Oct. 17. [Kenilworth], a house of the King's, and a very noble seat, Oct. 19, where the King rested one day; where the lord chief justice Heath, who was made Chief Justice for that purpose, (Bramston, a man of great learning and integrity, being, without any pur-

[1] [§§ 76–78 from the *Life*, pp. 194–5.]

1642 pose of disfavour, removed from that office, because he stood bound by recognizance to attend the Parliament upon an accusation depending there against him,) began to sit upon a commission of oyer and terminer, to attaint the earl of Essex, and many other persons who were in rebellion, of high treason.

77. Some days had passed without any notice of that army; some reporting that it remained still at Worcester; others, that they were marched the direct way from thence towards London. But intelligence came from London that very many officers of name and command in the Parliament army [had] undergone that service with a full resolution to come to the King as soon as they were within any distance; and it was wished that the King would send a proclamation into the army itself, to offer pardon to all who would return to their obedience. And a proclamation was prepared accordingly, and all circumstances resolved upon, that a herald should be sent to proclaim it in the head of the earl's army, when it should be drawn up in battle. But that, and many other particulars prepared and resolved upon, were forgotten, or omitted, at the time appointed, which would not admit any of those formalities.

78. When the whole army marched together, there was quickly discovered an unhappy jealousy and division between the principal officers, which grew quickly into a perfect faction between the foot and the horse. The earl of Lindsey was general of the whole army by his commission, and thought very equal to it. But when prince Rupert came to the King, which was after the standard was set up, and received a commission to be general of the horse, which all men knew was designed for him, there was a clause inserted into it which exempted him from receiving orders from any body but from the King himself; which, upon the matter, separated all the horse from any dependence upon the general, and had other ill consequences in it: for when the King at midnight, being in his bed, and receiving intelligence of the enemy's motion, commanded the lord Falkland, his principal Secretary of State, to direct prince Rupert what he should do, he took it very ill, and expostulated with the lord Falkland for giving him orders. But he could not have directed

his passion against any man who would feel or regard it less. 1642
And he told him that 'it was his office to signify what the King bad him; which he should always do; and that he in neglecting it neglected the King;' who did neither the prince nor his own service any good by complying in the beginning with his rough nature, which rendered him very ungracious to all men. But the King was so indulgent to him that he took his advice in all things relating to the army, and so upon consideration of their march, and the figure of the battle they resolved to fight in with the enemy, he concurred entirely with prince Rupert's advice, and rejected the opinion of the general, who preferred the order he had learned under prince Morrice and prince Harry, with whom he had served at the same time when the earl of Essex and he had both regiments. The uneasiness of the prince's nature, and the little education he had in courts, made him unapt to make acquaintance with any of the lords, who were likewise thereby discouraged from applying themselves to him; whilst some officers of the horse were well pleased to observe that strangeness, and fomented it, believing their credit would be the greater with the prince, and desired that no other person should have any credit with the King. So the war was scarce begun when there appeared such faction and designs in the army, which wise men looked upon as a very evil presage; and the inconveniences which flowed from thence gave the King great trouble in a short time after.

79[1]. Within two days after the King marched from Shrews-

[1] [The text is taken up from the *Hist.*, pp. 358-362, for §§ 79-88, the *Life* continuing as follows, at p. 195:—

1. 'Upon Saturday the 22d of October, the King quartered at Edgeworth, the house of sir William Cherry; for whence the King resolved, having then no notice of the enemy, the next morning to march to a house of the lord Say, near Banbury, which was then garrisoned by the Parliament forces, which lay in a very pleasant and open country. But about daybreak on Sunday the 23d of October, prince Rupert sent the King word that the Parliament army lay all quartered together about a village called Keinton, within three or four mile of Warwick; that there was a large field near the town, in which both armies might very well be drawn up; and therefore that he had appointed all the horse to rendezvous upon the top of the hill called Edgehill, which overlooked the field and the enemy's quarters, where he would expect the King's pleasure; and if all the foot

1642 bury, the earl of Essex moved from Worcester to attend him, with an army superior in number far to the King's; the horse

could meet there in any time, they might oblige the enemy to fight that day. The earl of Lindsey was quartered in a village called Culworth, about a mile distant from the Court, in which village likewise the earl of Dorset, the lord Falkland, sir John Culpeper, and Mr. Hyde were quartered, who quickly received advertisement from the general of the posture things were in, and made all the haste they could to the King, who was gone from Edgeworth, leaving orders for all men to repair to Edgehill. The army was quartered at so great a distance that they could not quickly be drawn together, so that it was afternoon before they could be brought to the rendezvous, and were then to file down a very steep hill, where three horse could not go in breast together till they came into the field, which was large enough. The earl of Essex had no better intelligence of the King's motions, and the first notice he had was by the appearance of the King's horse in a body from the top of the hill. Some of his artillery, and some of his regiments, both of horse and foot, were a day's march behind; but he found many objections in retiring to join with them, and therefore resolved to put himself in order to expect the King's army in the same place, and so put his whole body in battalia, within less than half a mile of the village, at very near a mile's distance from the hill, without moving till the King's army came to charge them. He had the entire choice of the ground, and was in battalia before one company of the King's went down the hill; and if he had chosen his place near the hill, it would not have been possible for the King's army to have drawn down that steep narrow way without infinite prejudice; but the enemy standing at so great a distance, there was no other inconvenience than in the long time that was spent in their descent, by reason whereof it was very near three of the clock in the afternoon before the battle began. It was as fair a day as that season of the year could yield, the sun clear, no wind or cloud appearing. The relation of that battle is not proper of this place, in which there were many notable accidents, which if they had been pursued by either side would have produced other effects. Prince Rupert charged the right wing of the enemy's horse so furiously that they bore not the charge, but turned and fled in all the confusion imaginable, few of that body looking behind them till they came to St. Alban's, and many of them fled to London with news of the total defeat; and the greatest part of the King's horse which charged that wing pursued them so far, and they who did not entertained themselves with the plunder of the coaches and carriages which were all in the village, that none of that wing could be ever rallied together that night, when there was need enough of their service. Wilmot had the command of the left wing, where were the lord Carnarvan lord Grandison, and many other gallant gentlemen with their regiments and troops, who finding very little resistance from that party which they were to choose, many of them followed their friends of the right wing, to have a share of what might be gotten in the pursuit. And that which was worst of all, the reserve, which was intrusted to a very gallant gentleman who had never been in action before, seeing no body of horse to charge,

and foot being completely armed, and the men very well exer- 1642
cised, and the whole equipage (being supplied out of the King's

thought they might likewise follow the chase, and so pursued it accordingly: nor did that gentleman, who upon all occasions gave as great testimony and evidence of courage as any man, ever acknowledge that he had orders, or understood himself to be left with a reserve; so great a want there was of punctuality in that day's service. But if the horse of both wings had been contented with doing the business they were appointed to do, and had been less vehement in pursuing their enemy when they had quitted the field, that day had put a glorious end to the King's troubles and to the Parliament's pretences; and the earl of Essex thought the work so near an end that he alighted from his horse, and put himself into the head of his regiment of foot, with a pike in his hand, resolving to die there, and to take no quarter, as he confessed to the countess of Carlisle at his return to London. But the behaviour of the King's horse lost all those advantages; and the reserve of the Parliament horse, commanded by sir William Balfore, a Scotchman, who is mentioned before, observing the field quitted by both their wings, kept themselves at a distance, moving up and down the field, and were taken to be the reserve of the King's horse, until they found an opportunity to do good service. The foot of both sides stood their ground with great courage; and though many of the King's soldiers were unarmed and had only cudgels, they kept their ranks, and took up the arms which their slaughtered neighbours left to them; and the execution was great on both sides, but much greater on the earl of Essex's party; and the King's general, in the head of his regiment on foot, was come within little more than pistol shot of that body where the earl of Essex was, (which was the thing he most desired in the world,) when Balfore with his reserve of horse charged the flank of that body of foot, and so broke it; and, whether from the horse or the foot, the earl of Lindsey fell, his leg being broke short off, and the lord Willoughby his son, being in the head of the King's regiment of guards, which he commanded, making haste to the relief of his father, they were both taken prisoners, and the whole body of the King's foot exceedingly shaken and broken, which changed exceedingly the fortune of the day; and if that wing of horse had sooner begun, when there were no other horse upon the field but the few gentlemen who attended about the persons of the King and the prince, he might have taken them both prisoners. When the King discerned how doubtfully affairs stood, he commanded the prince of Wales and the duke of York, who were both very young, to withdraw to the top of the hill, attended only by his company of pensioners, and commanded Mr. Hyde to wait upon them, and not depart from them; and as they went towards the hill, the evening now approaching, they saw a body of horse which they made no doubt was the King's, and so moved towards them, when sir Richard Grime, an equerry of the King's, rid very little before to know them, which he quickly did, and was beaten off his horse, and so well counterfeited being killed that he was presently stripped: all which being in the prince's view gave him advertisement what they were, so that he diverted his course to the other hand, and that body moved as quickly

1642 magazines) suitable to an army set forth at the charge of a kingdom. The earl of Bedford had the name of general of the

from him, being evidently in great apprehension; which if they had not been, the number about the prince was so very small that they could have made very little resistance if Balfore had charged them; so that the preservation of those two young princes was a great blessing of that day: and they had not been long upon the hill before the King sent order that they should go to Edgeworth, where his majesty had lain the night before.

2. Though the King's horse sustained no loss, and they who followed the enemy too far yet returned before it was night, either the officers would not or could not rally so many of them together as would charge that small reserve, which still went about the field without standing in any place to expect a charge. The lord Falkland, (who in all such actions forgot that he was Secretary of State, and desired to be where there would probably be most to do, had that day chosen to charge with Wilmott, who charged on the left wing, declining, upon the former expostulation, to be on the other wing with prince Rupert,) used to protest that he saw no enemy that day of the horse that made any resistance; and observing that body under Balfore wheel up and down, he spake to Wilmott that they might go and charge them, which the other seeming not to consider, he pressed him again; to which the other made no other answer but, 'My lord, we have got the day, and let us live to enjoy the fruit thereof;' and after it was found, too late, what mischieve that small body had done and continued to do, the officers could not rally their horse together, albeit they were all in the field. From the time that the battle began, it was not above an hour and an half before the evening stopped the heat of the fight, and all men were content to stand still without making any advance; and the King continued upon his horse, with some of the lords and other principal officers about him, in no degree satisfied with the posture they were in. Though they were sure they could not have lost many of the horse in the action, they knew not what was become of them, and the foot appeared very thin, as long as they could be discerned by the light; and therefore they concluded they would be much thinner when the darkness should cover their withdrawing. So there wanted not those who proposed that the King would draw off the field, and with as many horse as he could rally hasten into the west, and leave both the foot and the cannon to the enemy. Which proposition received so much countenance from some great officers that many thought it would have been resolved upon; until sir John Culpeper, who had that day charged with prince Rupert with much gallantry, (as his courage was always unquestionable,) did oppose it with great warmth and passion, and told the King he was ruined if he hearkened to it, which his majesty was not inclined to do, and so silenced the debate, declaring that he would not stir from the place till the morning; and so the night was passed, with inconvenience and trouble enough; for besides the expectation of a very melancholy prospect in the morning, the night itself was as cold as a very great frost and a sharp northerly wind could make it at that season of the year. Nor did the morning appear more auspicious; the troops of horse and foot appeared very thin; yet many,

horse, though that command principally depended upon sir William Balfore. Of the nobility he had with him the lords 1642

both officers and soldiers, who had sought warmer lodging in the cold night, returned in the morning to see what was become of their friends; and so the numbers increased. The ordnance were all safe, and though the field was covered with the dead, yet nobody could tell to what party they belonged; and that which composed the minds of the soldiers most was, that the enemy's troops appeared as thin, as broken, and as dispirited, as they could wish; so that they who could longest endure the station they were in were like to remain masters of the field. As soon as it was light, and the King had gotten a little sleep in his coach, whither he betook himself about daybreak, it was wished that the horse, which had yet endured no other shock than of the cold of the night, would make one brisk charge with that body of horse which remained of the enemy; but the officers, who without doubt had as much courage themselves as could be expected, had no mind to undertake for their men. They said the bodies which were in view were rather an assembly of all the horse of the army than regiments or troops under their officers, and so they knew not how to draw them out, or to depend upon them; that the horses were so weak that they would not be able to make a charge, and the men had not eaten or drank in more than four and twenty hours: in effect, that they had with much ado prevailed with them to keep the field, the King continuing there himself, but they much doubted that, as soon as it should be known that they were to renew the battle, many of them would directly run away. Upon the whole matter, it was thought most counsellable that they should be in as good a posture to receive the enemy as was possible, if they advanced; otherwise, that they should only keep the ground and expect what the enemy would do; and it was believed by many, then and after, that which side soever had assumed the courage to have attacked the other would have proved victorious.

3. In this interval, those things occurred to memory which had been forgotten, or rather which could not be executed according to former resolutions before the battle. The proclamation mentioned before was now delivered to sir William Le Neve, Clarencieux king at arms, who in his robe of office carried it towards the earl of Essex's army, as it stood still in the field, intending to have proclaimed it in the head of the troops; but he was met by a guard before he came thither, and charged upon his life, with pistols at his breast, neither to read any thing or to speak a word, being likewise blinded, and so conducted to the general, before whom he expostulated in vain of the indignity and injury done to his office, contrary to the law of nations; which the standers by laughed at; and when he began to read the proclamation, it was violently snatched from him with new reproaches, and threats if he presumed to say any thing to that purpose or to scatter or let fall any of those proclamations. The earl of Essex asked him whether the King and the prince were in the field; and when the herald said they were, and had been exposed to the same danger with the rest, he seemed not to believe it, and said he knew the King was not there: and if he had not really thought so, he would never have asked the

1642 Kimbolton, St. John's, Wharton, Roberts, Rochford, and Feilding, (whose fathers, the earls of Dover and Denbigh, charged as volunteers in the King's guards of horse,) and many gentlemen of quality; but his train was so very great that he could move but in slow marches. So that the two armies, though they were but twenty miles asunder when they first set forth, and both marched the same way, they gave not the least disquiet in ten days' march to each other; and in truth, as it appeared afterwards, neither army knew where the other was.

Oct. 22. 80. The King by quick marches, (having seldom rested a day in any place,) came on Saturday the 22nd of October to Edgecott, a village in Northamptonshire, within four miles of Banbury in which the rebels had a garrison[1]. As soon as he came thither he called a council of war, and having no intelligence that the earl of Essex was within any distance, it was resolved the King and the army should rest in those quarters the next day, only that sir Nicholas Byron should march with his brigade and attempt the taking in of Banbury. And with this resolution the council brake up, and all men went to their quarters, which were at a great distance, without any apprehension of an enemy. But that night, about 12 of the clock, prince Rupert sent the King word that the body of the rebels'

question in the hearing of so many who thereby were informed of what they had not before known or believed, for care had been taken that the soldiers should think that they fought against those malignants who kept the King from the Parliament, and that his majesty himself was not present in the field. The herald was suffered to stay very little time, and blinded again, and conducted by a guard to the outmost limits of the army; and so returned with the news of the death of the earl of Lindsey, the King's general, and of many officers being prisoners who were thought to be dead. The King remained in the field till the evening, and till the enemy quitted it and marched away; and then orders were sent to the foot and to the horse to draw off to their former quarters where they had been the night before the battle; and his majesty himself likewise repaired to Edgeworth, from whence he had gone on Sunday morning; not resolving till the next morning what counsel to pursue; and he rested likewise the next day, to be better informed of the enemy's motion, and that the soldiers might, by so much longer rest in their quarters, recover their spirits.']

[1] [The words 'very strong' are crossed out in the MS. before 'garrison.']

army was within seven or eight miles, and that the head quarter was at a village called Keinton on the edge of Warwickshire, and that it would be in his majesty's power, if he thought fit, to fight a battle the next day; which his majesty liked well, and therefore immediately despatched orders to cross the design for Banbury, and that the whole army should draw to a rendezvous on the top of Edgehill, which was a very high hill, about two miles from Keinton where the head-quarters of the earl was, and which had a clear prospect of all that valley. 1642

81. In the morning, (being Sunday the 23rd of October,) when the rebels were beginning their march, (for they suspected not the King's forces to be near,) they perceived a fair body of horse on the top of that hill, and easily concluded their march was not then to be far. It is certain they were exceedingly surprised, having never had any other confidence of their men than by the disparity they concluded would be still between their numbers and the King's; the which they found themselves now deceived in, for two of their strongest and best regiments of foot, and one regiment of horse, was a day's march behind with their ammunition. So that though they were still superior in number, yet that difference was not so great as they promised themselves. However, it cannot be denied that the earl with great dexterity performed whatsoever could be expected from a wise general. He chose that ground which best liked him. There was between the hill and the town a fair *campania*, save that[1] near the town it was narrower, and on the right hand some hedges and inclosures: so that there he placed musketeers, and not above two regiments of horse, where the ground was narrowest; but on his left wing he placed a body of 1000 horse, commanded by one Ramsey a Scotchman; the reserve of horse (which was a good one) was commanded by the earl of Bedford, general of their horse, and sir William Balfore with him. The general himself was with the foot, which were ordered as much to advantage as might be. And in this posture they stood from 8 of the clock in the morning. Oct. 23.

82. On the other side, though prince Rupert was early in

[1] ['about half a mile' struck out.]

1642 the morning with the greatest part of the horse on the top of the hill, which gave the first alarum of the necessity of fighting to the other party, yet the foot were quartered at so great a distance that many regiments marched seven or eight miles to the rendezvous: so that it was past one of the clock before the King's forces marched down the hill. The general himself alighted at the head of his own regiment of foot, his son the lord Willoughby being next to him with the King's regiment of guards, in which was the King's standard, carried by sir Edmund Varney, knight marshal. The King's right wing of horse was commanded by prince Rupert, the left wing by Mr. Wilmott, commissary general of the horse, who was assisted by sir Arthur Aston with most of the dragoons, because that left wing was opposed to the enemy's right which had the shelter of some hedges lined with musketeers: and the reserve was committed to sir John Byron, and consisted indeed only of his own regiment. At the entrance into the field, the King's troop of guards, either provoked by some unseasonable scoffs amongst the soldiery, or out of their desire of glory, or both, besought the King that he would give them leave to be absent that day from his person, and to charge in the front amongst the horse: the which his majesty consented to. They desired prince Rupert 'to give them that honour which belonged to them,' who accordingly assigned them the first place; which, (though they performed their parts with admirable courage,) may well be reckoned amongst the oversights of that day.

83. It was near three of the clock in the afternoon before the battle began; which, at that time of the year, was so late, that some were of opinion that the business should be deferred till the next day. But against that there were many objections: the King's numbers could not increase, the enemy's might: for they had not only their garrisons, Warwick, Coventry, and Banbury, within distance, but all that county so devoted to them that they had all provisions brought to them without the least trouble; whereas, on the other side, the people were so disaffected to the King's party that they had carried away or hid all their provisions, insomuch as there was

neither meat for man or horse; and the very smiths hid themselves, that they might not be compelled to shoe the horses, of which in those stony ways there was great need. This proceeded not from any radical malice, or disaffection to the King's cause or his person, (though it is true that circuit in which this battle was fought, being between the dominions of the lord Say and the lord Brooke, was the most eminently corrupted of any county in England,) but by the reports and infusions which the other very diligent party had wrought into the people's belief, that the cavaliers were of a fierce, bloody, and licentious disposition, and that they committed all manner of cruelty upon the inhabitants of those places where they came, of which robbery was the least; so that the poor people thought there was no other way to preserve their goods than by hiding them out of the way; which was confessed by them when they found how much that information had wronged them, by making them so injurious to their friends. And therefore where the army rested a day they found much better entertainment at parting than when they came; for it will not be denied that there was no person of honour or quality who paid not punctually and exactly for what they had; and there was not the least violence or disorder amongst the common soldiers in their march which scaped exemplary punishment; so that at Bromigham [Birmingham], a town so generally wicked that it had risen upon small parties of the King's, and killed or taken them prisoners and sent them to Coventry, declaring a more peremptory malice to his majesty than any other place, two soldiers were executed for having taken some small trifle of no value out of a house whose owner was at that time in the rebels' army. So strict was the discipline in this army, when the other without control practised all the dissoluteness imaginable. But the march was so fast, that the leaving a good reputation behind them was no harbinger to provide for their better reception in their next quarters. So that their wants were so great at the time when they came to Edgehill, that there were very many companies of the common soldiers who had scarce eaten bread in eight and forty hours 1642

1642 before. The only way to cure this was a victory; and therefore the King gave the word, though it was late, the enemy keeping their ground to receive him without advancing at all.

84. In this hurry, there was an omission of somewhat which the King intended to have executed before the beginning of the battle. He had caused many proclamations to be printed of pardon to all those soldiers who would lay down their arms, which he resolved, as is said before[1], to have sent by a herald to the earl of Essex, and to have found ways to have scattered and dispersed them in that army, as soon as he understood they were within any distance of him. But all men were now so much otherwise busied that it was not soon enough remembered; and when it was, the proclamations were not at hand; which, by that which follows, might probably have produced a good effect. For as the right wing of the King's horse advanced to charge the left wing, which was the gross of the enemy's horse, sir Faithful Foskue [Fortescue], (whose fortune and interest being in Ireland, he had come out of that kingdom to hasten supplies thither, and had a troop of horse raised for him for that service; but as many other of those forces were, so his troop was likewise disposed into that army, and he was now major to sir William Waller; he) with his whole troop advanced from the gross of their horse, and discharging all their pistols on the ground, within little more than carabine shot of his own body, presented himself and his troop to prince Rupert; and immediately with his highness charged the enemy. Whether this sudden accident, (as it might very well,) and [the] not knowing how many more were of the same mind, each man looking upon his companion with the same apprehension as upon the enemy, or whether the terror of prince Rupert and the King's horse, or all together, with their own evil consciences, wrought upon them, I know not, but that whole wing, having unskilfully discharged their carabines and pistols into the air, wheeled about, our horse charging them in flank and rear, and having thus absolutely routed them, pursued them flying, and had the execution of them above two miles.

[1] [See § 77.]

85. The left wing, commanded by Mr. Wilmott, had as good 1642
success, though they were to charge in worse ground, amongst hedges, and through gaps and ditches, which were lined with musketeers. But sir Arthur Aston, with great courage and dexterity, beat off those musketeers with his dragoons; and then the right wing of their horse was as easily routed and dispersed as their left, and those followed the chase as furiously as the other. The reserve, seeing none of the enemy's horse left, thought there was nothing more to be done but to pursue those that fled, and could not be contained by their commanders, but with spurs and loose reins followed the chase which their left wing had led them. And by this means, whilst most men thought the victory unquestionable, the King was in danger of the same fate which his predecessor Harry the Third felt at the battle of Lewes against his barons, when his son the prince, having routed their horse, followed the chase so far that before his return to the field his father was taken prisoner; and so his victory served only to make the misfortune of that day the more intolerable. For all the King's horse having thus left the field, many of them only following the execution, others intending the spoil in the town of Keinton, where all the baggage was, and the earl of Essex's own coach, which was taken and brought away; their reserve, commanded by sir William Balfore, moved up and down the field in good order, and marching towards the King's foot pretended to be friends, till, observing no horse to be in readiness to charge them, [they] brake in upon the foot, and did great execution. Then was the general the earl of Lindsey, in the head of his regiment, being on foot, shot in the thigh, with which he fell, and was presently encompassed by the enemy, and his son, the lord Willoughby, piously endeavouring the rescue of his father, taken prisoner with him. Then was the standard taken, (sir Edmund Varney, who bore it, being killed,) but rescued again by captain John Smith, an officer of the lord Grandison's regiment of horse, and by him brought off. And if those horse had bestirred themselves, they might with little difficulty [have] destroyed or taken prisoner the King himself, and his two sons, the prince

1642 and the duke of York, being with fewer than one hundred horse and those without officer or command, within half musket shot of that body before he suspected them to be enemies.

86. When prince Rupert returned from the chase, he found this great alteration in the field, and his majesty himself with few noblemen and a small retinue about him, and the hope of so glorious a day quite vanished. For though most of the officers of horse were returned, and that part of the field covered again with the loose troops, yet they could not be persuaded or drawn to charge either the enemy's reserve of horse, which alone kept the field, or the body of their foot, which only kept their ground; the officers pretending that their soldiers were so dispersed that there were not ten of any troop together, and the soldiers, that their horses were so tired that they could not charge. But the truth is, where many soldiers of one troop or regiment were rallied together, there the officers were wanting; and where the officers were ready, there the soldiers were not together; and neither officers or soldiers desired to move without those who properly belonged to them. Things had now so ill an aspect that many were of opinion that the King should leave the field, though it was not easy to advise whither he should have gone; which if he had done, he had left an absolute victory to those who even at this time thought themselves overcome. But the King was positive against that advice, well knowing that as that army was raised by his person and presence only, so it could by no other means be kept together; and he thought it unprincely to forsake them who had forsaken all they had to serve him: besides, he observed the other side looked not as if they thought themselves conquerors; for that reserve which did so much mischief before, since the return of his horse betook themselves to a fixed station between their foot, which at best could but be thought to stand their ground; which two brigades of the King's did with equal courage, and gave equal volleys; and therefore he tried all possible ways to get the horse to charge again; easily discerning by some little attempts which were made what a notable impression a brisk one would

have made upon the enemy. And when he saw it was not to 1642
be done, he was content with their only standing still. Without doubt, if either party had known the constitution of the other, they had not parted so fairly; and, very probably, which soever had made a bold offer had compassed his end upon his enemy. This made many believe, (though the horse vaunted themselves aloud to have done their part,) that the good fortune of the first part of the day, which well managed would have secured the rest, was to be imputed rather to their enemy's want of courage than to their own virtue, (which, after so great a victory, could not so soon have forsaken them,) and to the sudden and unexpected revolt of sir Faithful Foskue [Fortescue] with a whole troop, no doubt much to the consternation of those he left; which had not so good fortune as they deserved; for by the negligence of not throwing away their orange-tawny scarfs, (which they all wore as the earl of Essex's colours,) and being immediately engaged in the charge, many of them, not fewer than seventeen or eighteen, were suddenly killed by those to whom they joined themselves.

87. In this doubt of all sides, the night, (the common friend to wearied and dismayed armies,) parted them; and then the King caused his cannon which were nearest the enemy to be drawn off; and with his whole forces himself spent the night in the field, by such a fire as could be made of the little wood and bushes which grew thereabouts, unresolved what to do the next morning, many reporting that the enemy was gone: but when the day appeared, the contrary was discovered, for then they were seen standing in the same posture and place in which they fought, from whence the earl of Essex wisely never suffered them to stir all that night; presuming reasonably that if they were drawn off never so little from that place, their numbers would lessen, and that many would run away; and therefore he caused all manner of provisions, of which the country supplied him plentifully, to be brought thither to them for their repast, and reposed himself with them in the place. Besides, that night he received a great addition of strength, not only by rallying those horse and foot which had run out

1642 of the field in the battle, but by the arrival of colonel Hambden and colonel Grantham with two thousand fresh foot, (which were reckoned amongst the best of the army,) and five hundred horse, which marched a day behind the army for the guard of their ammunition, and a great part of their train, not supposing there would have been any action that would have required their presence. All the advantage this seasonable recruit brought them was to give their old men so much courage as to keep the field, which it was otherwise believed they would hardly have been persuaded to have done. After a very cold night spent in the field, without any refreshment of victual or provision for the soldiers, (for the country was so disaffected, that it not only not sent in provisions but many soldiers who straggled into the villages for relief were knocked in the head by the common people,) the King found his troops very thin; for though by conference with the officers he might reasonably conclude that there were not many slain in the battle, yet a third part of his foot were not upon the place, and of the horse many missing; and they that were in the field were so tired with duty, and weakened with want of meat, and shrunk up with the cruel cold of the night, (for it was a terrible frost, and there was not shelter of either tree or hedge,) that though they had reason to believe, by the standing still of the enemy whilst a small party of the King's horse in the morning took away four pieces of their cannon very near them, that any offer towards a charge, or but marching towards them, would have made a very notable impression in them, yet there was so visible an averseness from it in most officers as well as soldiers that the King thought not fit to make the attempt, but contented himself to keep his men in order, the body of horse facing the enemy upon the field where they had fought.

Oct. 24. 88. Towards noon the King resolved to try that expedient which was prepared for the day before, and sent sir William Le Neve, Clarencieux king at arms, with his proclamation of pardon to such as would lay down arms, to the enemy; believing, (though he expected then little benefit by the procla-

mation,) that he should by that means receive some advertise- 1642
ment of the condition of the army, and what prisoners they had taken, for many persons of command and quality were wanting; giving him order likewise to desire to speak with the earl of Lindsey, who was known to be in their hands. Before sir William came to the army he was received by the out-guards, and conducted with strictness, that he might say or publish nothing amongst the soldiers, to the earl of Essex; who, when he offered to read the proclamation aloud, and to deliver the effect of it, that he might be heard by those who were present, rebuked him with some roughness, and charged him as he loved his life not to presume to speak a word to the soldiers; and, after some few questions, sent him presently back, well guarded through the army, without any answer at all. At his return he had so great and feeling a sense of the danger he had passed that he made little observation of the posture or numbers of the enemy. Only he seemed to have seen or apprehended so much trouble and disorder in the faces of the earl of Essex and the principal officers about him, and so much dejection in the common soldiers, that they looked like men who had no farther ambition than to keep what they had left. He brought word of the death of the earl of Lindsey [1].

[1] [The narrative in the *Hist.* is here continued in the following passage, part of which only is printed in the last edition and is there said by mistake to be taken from the *Life*.

'—who being carried out of the field a prisoner into a barn of the next village, for want of a surgeon and such accommodations as were necessary within few hours died with the loss of blood, his wound not being otherwise mortal or dangerous. This was imputed to the inhumanity of the earl of Essex, as if he had purposely neglected, or inhibited, the performing any necessary offices to him, out of the insolence of his nature, and in revenge of some former unkindnesses [that] had passed between them, but I presume it may be with more justice attributed to the hurry and distraction of that season, when, being so unsecure of their friends, they had no thoughts vacant for their enemies; for it is not to be denied at the time when the earl of Lindsey was taken prisoner the earl of Essex thought himself in more danger; and amongst his faults want of civility and courtesy was none.

'The loss of the general was a great grief to the army, and generally to all who knew him; for he was a person of great honour, singular courage, and of an excellent nature. He took little delight in the office of general

1642 89[1]. The number of the slain, by the testimony of the minister and others of the next parish, who took care for the burying of the dead, and which was the only computation that could be made, amounted to above five thousand; whereof two parts were conceived to be of those of the Parliament party, and not above a third of the King's. Indeed the loss of both sides was so great, and so little of triumph appeared in either, that the victory could scarce be imputed to the one or the other. Yet the King's keeping the field and having the spoil of it, by which many persons of quality who had lain wounded in the field were preserved, his pursuing afterwards the same design he had when he was diverted to the battle and succeeding in it, (as shall be touched anon,) were greater ensigns of victory on that side, than the taking the general prisoner, and the taking the standard, which was likewise recovered, were on the other. Of the King's, the principal persons who were lost were, the earl of Lindsey, general of the army, the lord George Steward, lord Aubigny, son to the duke of Lenox and brother to the then duke of Richmond and Lenox, sir Edmund Varney, knight marshal of the King's horse and standard bearer, and some others of less name, though of great virtue and good quality.

from the time that prince Rupert came, finding his highness to pass him by too much in his command, yet having so much reverence to the King's sister's son, and so tender a regard of the present service, that he seemed only to his friends to take notice of it; and seeing the battle that day set without advising with him, and in a form that he liked not, he said, "since he was not fit to be a general, he would die a colonel in the head of his regiment;" and was as good as his word. There were more lost of the King's side of note; the lord Aubigny, brother to the duke of Richmond, a young man of great expectation, who was killed in the charge with the left wing of horse, in which he commanded a troop, where there were so few lost that it was believed that he fell by his own men, not without the suspicion of an officer of his own; and he was the only person of name or command who perished of the horse. Among the foot many good officers were lost, and amongst them sir Edward Varney was the chief, who that day carried the King's standard, a very honest gentleman, and an old true servant of the King's, of which he had so very few just to him that that single person could be ill spared. There fell two or three lieutenant colonels, and some good officers of inferior quality.']

[1] [§§ 89–93 are from the *Life*, pp. 198–200.]

90. The earl of Lindsey was a man of a very noble extraction, 1642
and inherited a great fortune from his ancestors; which though he did not manage with so great care as if he desired much to improve, yet he left it in a very fair condition to his family, which more intended the increase of it. He was a man of great honour, and spent his youth and vigour of his age in military actions and commands abroad; and albeit he indulged to himself great liberties of life, yet he still preserved a very good reputation with all men, and a very great interest in his country, as appeared by the supplies he and his son brought to the King's army; the several companies of his own regiment of foot being commanded by the principal knights and gentlemen of Lincolnshire, who engaged themselves in the service principally out of their personal affection to him. He was of a very generous nature, and punctual in what he undertook and in exacting what was due to him; which made him bear that restriction so heavily which was put upon him by the commission granted to prince Rupert, and by the King's preferring the prince's opinion in all matters relating to the war before his. Nor did he conceal his resentment: the day before the battle he said to some friends, with whom he used freedom[1], that 'he did not look upon himself as general; and therefore he was resolved when the day of battle should come that he would be in the head of his regiment as a private colonel, where he would die.' He was carried out of the field to the next village; and if he could then have procured surgeons, it was thought his wound would not have proved mortal. And it was imputed to the earl of Essex's too well remembering former grudges that he neither sent any surgeon to him nor performed any other offices of respect towards him; but it is most certain that the disorder the earl of Essex himself was in at that time, by the running away of the horse, and the confusion he saw the army in, and the plundering the carriages in the town where the surgeons were to attend, was the cause of all the

[1] [This line originally stood thus in the MS.: 'the day before the battle the earl of Dorset and Mr. Hyde conferred with him together, when he used great freedom, as to friends he loved well, and said—']

1642 omissions of that kind. And as soon as the other army was composed by the coming on of the night, the earl of Essex about midnight sent sir William Balfore and some other officers to see him, and to offer him all offices, and meant himself to have visited him. They found him upon a little straw in a poor house, where they had laid him in his blood, which had run from him in great abundance, no surgeon having been yet with him; only he had great vivacity in his looks, and told them he was sorry to see so many gentlemen, some whereof were his old friends, engaged in so foul a rebellion: and principally directed his discourse to sir William Balfore, whom he put in mind of the great obligations he had to the King; how much his majesty had disobliged the whole English nation by putting him into the command of the Tower; and that it was the most odious ingratitude in him to make him that return. He wished them to tell my lord of Essex, 'that he ought to cast himself at the King's feet to beg his pardon; which if he did not speedily do, his memory would be odious to the nation;' and continued this kind of discourse with so much vehemence that the officers by degrees withdrew themselves, and prevented the visit the earl of Essex intended him, who only sent the best surgeons to him; who in the very opening of his wounds died before the morning, only upon the loss of blood. He had very many friends and very few enemies, and died generally lamented.

91. The lord Aubigny was a gentleman of great hopes, of a gentle and winning disposition, and of very clear courage; he was killed in the first charge with the horse; where there being so little resistance gave occasion to suspect that it was done by his own lieutenant, who, being a Dutchman, had not been so punctual in his duty but that he received some reprehension from his captain, which he murmured at. His body was brought off, and buried at Christ-Church in Oxford. His two younger brothers, the lord John and the lord Barnard Steward, were in the same battle, and were both killed afterwards in the war, and his only son is now duke of Richmond.

92. Sir Edmund Varney hath been mentioned before[1]: and 1642
was a person of great honour and courage, and lost his life in that charge when Balfore, with that reserve of horse which had been so long undiscerned, broke into those regiments; but his body was not found.

93. Of the Parliamentary party that perished, the lord St. John of Bletzo and Charles Essex were of the best quality. The last had been bred up a page under the earl of Essex, who afterwards, at his charge, preferred him to a command in Holland; where he lived with very good reputation, and preserved the credit of his decayed family; and as soon as the earl unfortunately accepted this command, he thought his gratitude obliged him to run the fortune of his patron, and out of pure kindness to the person of the earl, as many other gentlemen did, engaged himself against the King, without any malice or rebellion in his heart towards the Crown. He had the command of a regiment of foot, and was esteemed the best and most expert officer of the army, and was killed by a musket shot in the beginning of the battle. The lord St. John was eldest son to the earl of Bullingbrooke, and got himself so well beloved by the reputation of courtesy and civility which he expressed towards all men, that, though his parts of understanding were very ordinary at best, and his course of life licentious and very much depraved, he got credit enough, by engaging the principal gentlemen of Bedfordshire and Hartfordshire to be bound for him, to contract a debt of fifty or threescore thousand pounds; for the payment whereof the fortune of the family was not engaged, nor in his power to engage. So that the clamour of his debts growing importunate, some years before the rebellion he left the kingdom, and fled into France[2]; leaving his vast debt to be paid by his sureties, to

[1] [The following line is here struck out in the MS.:—'upon his discourse at Nottingham, which was very ominous.' For this line, being taken from the *Life*, refers to an account of a conversation between Hyde and Sir E. Verney which is not incorporated in the *Hist.*, but will be found printed in part II of the *Life*.]

[2] [He obtained, under the assumed name of St. John Thompson, of Crawley, Bedfordshire, gentleman, a licence to travel for three years, on

1642 the utter ruin of many families and the notable impairing of
1640 others. In the beginning of the Parliament, the King was
Nov. prevailed with to call him to the House of Peers, his father being then alive, upon an assurance that by his presence and liberty, which could by no other way be secured, means would be found out to pay his debts and free so many worthy persons from their engagements: besides, that the times being like to be troublesome, the King might be sure of a faithful servant, who would always advance his service in that House. But the King had very ill fortune in conferring those graces, nor was his service more passionately and insolently opposed by any men in that House than by those who upon those professions were redeemed by him from the condition of commoners. And this gentleman, from the first hour of his sitting in that House by the King's so extraordinary grace, was never known to concur in any one vote for the King's service that received any opposition; and as soon as it was in his power he received a commission with the first to command a troop of horse against him, in which he behaved himself so ill that he received some wounds in running away; and being taken prisoner, died before the next morning, without any other signs of repentance than the canting words that 'he did not intend to be against the King, but wished him all happiness:' so great an influence the first seeds of his birth and mutinous family had upon his nature, that, how long soever they were concealed, and seemed even buried, in a very different breeding and conversation, they sprung up and bore the same fruit upon the first occasion. And it was an observation of that time that the men of most licentious lives, who appeared to be without any sense of religion or reverence to virtue, and the most unrestrained by any obligations of conscience, betook themselves to that party, and pretended an impulsion of religion out of fear of Popery; and, on the other side, very many persons of quality, both of the clergy and laity, who had suffered under the imputation of Puritanism, and did very

21 Nov. 1638, but was stopped at Rye on 14 Dec. by order from the King on the previous day. *Cal. Dom. S. P.*, 1638–9, pp. 112, 166, 170.]

much dislike the proceedings of the Court and opposed them upon all occasions, were yet so much scandalized at the very approaches to rebellion that they renounced all their old friends, and applied themselves with great resolution, courage, and constancy to the King's service, and continued in it to the end, with all the disadvantages it was liable to. 1642

94 [1]. Prisoners were taken by the enemy, the lord Willoughby, hastily and piously endeavouring the rescue of his father, sir Thomas Lunsford and sir Edward Stradling, both colonels, and sir William Vavisour, who commanded the King's regiment of guards under the lord Willoughby, and some other inferior commanders. There were hurt, sir Jacob Ashly and sir Nicolas Byron, and, more dangerously, colonel Charles Gerard, who, being shot in the thigh, was brought off the field without any opinion of life, but recovered to act a great part afterwards in the war; sir George Strowde, and some other gentlemen who served amongst the foot; for of the horse there was not an officer of name who received a wound, the lord Aubigny only excepted; so little resistance did that part of the enemy make.

95. Of the rebels [2], there were a good number of their officers, especially of horse, taken prisoners, but (save that

[1] [The text is here resumed from the *Hist.*, pp. 362-6, for §§ 94-107.]

[2] [The following passage follows here in the MS., which has been omitted hitherto in the printed text as being nearly the same with the account inserted above from the *Life*:—'there were slain, besides the lord St. John's (son and heir apparent of the earl of Bullingbrooke, a man known by nothing but the having run into a vast debt, to the ruin of his own and many families whom he procured to be engaged for him, whom the King shortly after the beginning of this Parliament, at the importunity of the earl of Bedford and some others, unhappily created a peer, and by that rendered his person free from the arrest of his creditors, and added one to the number of those lords who most furiously revolted from their allegiance: he had in this battle a regiment of horse, and was taken prisoner after he had received some hurts, of which he died the next day;) colonel Charles Essex, the soldier of whom they had the best opinion, and who had always till this last action preserved a good reputation in the world, which was now the worse (over and above the guilt of rebellion) by his having sworn to the Queen of Bohemia (by whose intercession he procured leave from the Prince of Aurange to go into England) that he would never serve against the King; and many others of obscure names though of good command.' The parenthesis relating to lord St. John has been struck out in the MS.]

1642 some of them were Parliament men) of mean quality in the world, except only sir William Essex, the father of the colonel, whose wants (from having wasted a very great fortune,) and his son's invitation, led him into that company, where he was a private captain of his regiment.

96. When the armies had thus only looked one upon another the whole day, and it being discerned that the enemy had drawn off his carriages, the King directed all his army to retire into their old quarters, presuming (as it proved) that many of those who were wanting would be found there. And
Oct. 24. so himself with his two sons went to Edgecott, where he lay the night before the battle, resolving to rest the next day, both for the refreshing his wearied and even tired men, and to be informed of the motion and condition of the enemy, upon which some troops of the King's horse attended. The earl of Essex retired with his to Warwick castle, whither he had sent all
Oct. 25. the prisoners; so that on the Tuesday morning the King was informed that the enemy was gone, and that some of his horse had attended the rear of the enemy almost to Warwick, and that they had left many of their carriages, and very many of their wounded soldiers, at the village next the field; by which it appeared that their remove was in haste, and not without apprehension.

97. After the horse had marched almost to Warwick, and found the coast clear from the enemy, they returned to the field to view the dead bodies, many going to inquire after their friends who were missing, where they found many not yet dead of their wounds, but lying stripped amongst the dead; amongst them, with others, young Mr. Scroope brought off his father, sir Gervase Scroope, who, being an old gentleman of great fortune in Lincolnshire, had raised a foot company amongst his tenants, and brought them into the earl of Lindsey's regiment, out of devotion and respect to his lordship as well as duty to the King; and had, about the time that the general was taken, fallen with sixteen wounds in his body and head, and had lain stripped among the dead, from that time, which was about three of the clock in the

afternoon on Sunday, all that cold night, all Monday, and Monday night, and till Tuesday evening, for it was so late before his son found him; whom with great piety he carried to a warm lodging, and afterwards in the march to Oxford, where he wonderfully recovered. The next morning after, being Wednesday, there was another gentleman, (one Bellingham, of an ancient extraction in Sussex, and the only son of his father,) found amongst the dead, and brought off by his friends, with twenty wounds; who, after ten days, died at Oxford, by the negligence of his surgeons, who left a wound in his thigh, of itself not dangerous, undiscerned, and so by festering destroyed a body very hopefully recovered of those which were only thought mortal. The surgeons were of opinion that both these gentlemen owed their lives to the inhumanity of those who stripped them, and to the coldness of the nights, which stopped their blood better than all their skill and medicaments could have done; and that, if they had been brought off within any reasonable distance of time after their wounds, they had undoubtedly perished. 1642

98. On Wednesday morning the King drew his army to a rendezvous, where he found his numbers greater than he expected; for in the night after the battle very many of the common soldiers out of cold and hunger had found their old quarters. So that it was really believed upon this view, when this little rest had recovered a strange cheerfulness into all men, that there were not in that battle lost above three hundred men at the most. There the King declared general Ruthin general of his army in the place of the earl of Lindsey; and then marched to A[y]no, a little village two miles distant from Banbury, of which his majesty that day took a view, and meant to attempt it the next day following. There was at that time in Banbury castle a regiment of 800 foot and a troop of horse, which with spirits proportionable had been enough to have kept so strong a place from an army better prepared to have assaulted it than the King's then was, and at a season of the year more commodious for a siege; and therefore many were of opinion that the King should have marched Oct. 26.

1642 by it, without taking notice of it, and that the engaging before it might prove very prejudicial to him. That which prevailed with him to stay there, (besides the courage of his soldiers who had again recovered their appetite to action,) was, that he could not well resolve whither to go; for till he was informed what the earl of Essex did, he knew not how to direct his march; and if the enemy advanced upon him, he could not fight in a place of more advantage. And therefore, having sent a trumpet to summon the castle, and having first taken
Oct. 26. the lord Say's house at Broughton, where there was some show of resistance, and in it a troop of horse and some good arms, the cannon were planted against the castle, and the army
Oct. 27. drawn out before it; but, upon the first shot made, the castle sent to treat, and, upon leave to go away without their arms, they fairly and kindly delivered the place; and half the common soldiers at the least readily took conditions, and put themselves into the King's army; the rest of the arms came very seasonable, to supply many soldiers of every regiment, who either never had any before or had lost them at the battle.

99. This last success declared where the victory was before at Edgehill; for, though the routing of their horse, their having killed more on the place and taken more prisoners, the number of the colours won from the enemy, (which were near forty in number,) without the loss of above three or four, and, lastly, the taking four pieces of their cannon the next morning after the battle, were so many arguments that the victory inclined to the King; on the other side, the loss of the general himself, and so many men of name either killed or prisoners, who were generally known over the kingdom, (whereas, besides the lord St. John and colonel Essex, the names of the rest of that party were so obscure, that neither the one side seemed to be gainers by having taken or killed them, nor the other side to be losers by being without them,) the having kept the field last and taken the spoil of it, were sufficient testimonies at the least that they were not overcome. But now the taking of Banbury, which was the more signal by the circumstance of that part of the army's being before the battle designed for that service,

then recalled to the field, and after that field fought and the retreat of the enemy, the re-advancing upon it and taking it, was so undeniable an argument that the earl of Essex was more broken and scattered than at first he appeared to be, that the King's army was looked upon as victorious. A garrison was put into Banbury, and the command thereof committed to the earl of Northampton, and then the King marched to his own house, to Woodstock; and the next day with his whole army to Oxford, which was the only city of England that he could say was entirely at his devotion; where he was received by the university, (to whom the integrity and fidelity of that place is to be imputed,) with that joy and acclamation as Apollo should be by the Muses. 1642 Oct. 28. Oct. 29.

100. The earl of Essex continued still at Warwick repairing his broken regiments and troops, which every day lessened and impaired; for the number of his slain men was greater than it was reported to be, there being very many killed in the chase, and many who died of their wounds after they were carried off; and of those who ran away in the beginning more stayed away than returned; and, which was worse, they who ran fastest and farthest told such lamentable stories of the defeat, and many of them shewed such hurts, that the terror thereof was even ready to make the people revolt to their allegiance in all places. Many of those who had stood their ground, and behaved themselves well in the battle, either with remorse of conscience, horror of what they had done and seen, or weariness of the duty and danger, withdrew themselves from their colours, and some from their commands. And it is certain many engaged themselves first in that service out of an opinion that an army would procure a peace without fighting; others, out of a desire to serve the King, and resolving to go away themselves and to carry others with them, as soon as they should find themselves within a secure distance to do it: both these being, contrary to their expectations, brought to fight, the latter, not knowing how to get to the King's army in the battle, discharged themselves of the service as soon as they came to Warwick, some with leave and some without. But that which no doubt

1642 most troubled his excellency was the temper and constitutions of his new masters, who, he knew, expected no less from him than a victory, complete by his bringing the person of the King alive or dead to them, and would consider what was now fallen out as it was so much less than they looked for, not as it was more than any body else could have done for them. However, he gave them a glorious account of what had passed, and made as if his stay at Warwick were rather to receive new orders and commands from them than out of any weakness or inability to pursue the old, and that he attended the King's motion as well as if he had been within seven miles of him.

101. It is certain the consternation was very great at London and in the two Houses, from the time that they heard that the King marched from Shrewsbury with a formed army and that he was resolved to fight as soon as he could meet with their army. However, they endeavoured confidently to keep up the ridiculous opinion amongst the common people that the King did not command, but was carried about in that army of the cavaliers, and was desirous to escape from them; which they hoped the earl of Essex would give him opportunity to do. The first news they heard of the army's being engaged was by those who fled upon the first charge, who made marvellous haste from the place of danger, and thought not themselves safe till they were gotten out of any possible distance of being pursued. It is certain, though it was past two of the clock before the battle began, many of the soldiers, and some commanders of no mean name, were at St. Alban's, which was near 30 [1] miles from the field, before it was dark. These men (as all runaways do for their own excuse) reported all for lost, and the King's army to be so terrible that it could not be encountered. Some of them, that they might not be thought to come away before there was cause, or whilst there was any hope, reported the progress of the battle, and presented all those lamentable things, and the circumstances by which every part of the army was defeated, which their terrified fancies had suggested to them whilst they ran away; some had seen the earl of Essex slain,

[1] [near 50.]

and heard his dying words, 'That every one should shift for himself, for all resistance was to no purpose:' so that the whole city was, the Monday, full of the defeat; and though there was an express from the earl of Essex himself of the contrary, there was not courage enough left to believe it, and every hour produced somewhat to contradict the reports of the last. Monday in the afternoon, the earl of Holland produced a letter in the House of Peers, which was written the night before by the earl of Essex, in which all particulars of the day were set down, and the impression that had in the beginning been made upon his horse, but that the conclusion was prosperous. Whilst this was reading, and every man greedily digesting the good news, the lord Hastings, who had a command of horse in the service, entered the House with frighted and ghastly looks, and positively declared all to be lost, against whatsoever they believed or flattered themselves with. And though it was evident enough that he had run away from the beginning, and only lost his way thither, most men looked upon him as the last messenger, and even shut their ears against any possible comfort; so that without doubt very many, in the horror and consternation of eight and forty hours, paid and underwent a full penance and mortification for the hopes and insolence of three months before. At the last, on Wednesday morning, the lord Wharton and Mr. William Strowde (the one a member of the House of Lords, the other of the Commons,) arrived from the army, and made so full a relation of the battle, of the great numbers slain on the King's part without any considerable loss on their side, of the miserable and weak condition the King's army was in, and of the earl of Essex's resolution to pursue him, that they were not now content to be savers, but voted that their army had the victory, and appointed a day for a solemn thanksgiving to God for the same; and that so great a joy might not be enjoyed only within those walls, they appointed those two trusty messengers to communicate the whole relation with all circumstances to the city, which was convened together at the Guildhall to receive the same. But by this time so many persons who were present came to the town of both sides, (for there was

1642 Oct. 24. Oct. 26.

1642 yet a free intercourse with all quarters,) and some discourses were published how little either of these two messengers had seen themselves of that day's business, that the city seemed not so much exalted at their relations as the Houses had done; the King's taking Banbury and marching afterwards to Oxford, and the reports from those quarters of his power, with the earl of Essex's lying still at Warwick, gave great argument of dis-
Oct. 29. course; which grew the greater by the commitment of several persons for reporting that the King had the better of the field; which men thought would not have been if the success had been contrary; and therefore there was nothing so generally spoken of, or wished for, as peace.

102. They who were really affected to the King, and from the beginning opposed all the extravagances, (for of such there were many in both Houses who could not yet find in their hearts to leave the company,) spake now aloud, that an humble address to the King for the removal of all misunderstandings was both in duty necessary and in policy convenient. The half-hearted and half-witted people, which made much the major part of both Houses, plainly discerned there must be a war, and that at least the King would be able to make resistance, which they had been promised he could not do, and so were equally passionate to make any overtures for accommodation. They only who had contrived the mischieve, and already had digested a full change and alteration of government, and knew well that all their arts would be discovered, and their persons odious though they might be secure, violently opposed all motions of this kind. These men pressed earnestly to send an express to their brethren of Scotland, to invite and conjure them to come to their assistance, and to leave no way unthought of for suppressing and totally destroying all those who had presumed to side with the King. This overture of calling the Scots in again was as unpopular a thing as could be mentioned, besides that it implied a great and absolute diffidence in their own strength, and an acknowledgment that the people of England stood not so generally affected to their desires, which they had hitherto published and urged as the best argument to

justify those desires. Therefore the wise managers of that party, by whose conduct they had been principally governed, seemed fully to concur with those who desired peace, and to send an humble address to the King, which they confessed to be due from them as subjects, and the only way to procure happiness for the kingdom. And having hereby rendered themselves gracious and gained credit, they advised them so to endeavour peace that they might not be disappointed of it, and wished them to consider that the King's party were high upon the success of having an army, (of which they had reasonably before despaired,) though not upon any thing that army had yet done. That it was apparent the King had ministers stirring for him in the north and in the west, though hitherto with little effect; and therefore, if they should make such an application for peace as might imply the giving over the thoughts of war, they must expect such a peace as the mercy of those whom they had provoked would consent to; but if they would steadily pursue those counsels as would make their strength formidable, they might then expect such moderate conditions as they might, with their own and the kingdom's safety, securely submit to. That therefore the proposition of sending into Scotland was very seasonable; not that it could be hoped, or was desired, that they should bring an army into England, of which there was not like to be any need; but that that kingdom might make such a declaration of their affections, and readiness to assist the Parliament, that the King might look upon them with the more consideration, as a body not easily to be oppressed, if he should insist upon too high conditions. 1642

103. By this artifice, whilst they who pressed a treaty thought that, that being once consented to, a peace would inevitably be concluded, the same day that a committee was appointed to prepare heads of an humble address to his majesty for composing the present differences and distractions and settling the peace of the kingdom, (which was a great condescension,) they made no scruple to declare that the preparation of forces and all other necessary means of defence should be prosecuted with all vigour; and thereupon required all those officers and Nov. 2. Nov. 6.

1642 soldiers who had left their general, (of which the town was then full,) upon pain of death to return to him; and for his better recruit solemnly declared, that, in such times of common danger and necessity, the interest of private persons ought to Nov. 7. give way to the public; and therefore they ordained that such apprentices as would be listed to serve as soldiers for the defence of the kingdom, the Parliament, and city, (with their other usual expressions of religion and the King's person,) their sureties, and such as stood engaged for them, should be secured against their masters; and that their masters should receive them again at the end of their service, without imputing any loss of time to them, but the same should be reckoned as well spent, according to their indentures, as if they had been still in their shops. And by this means many children were engaged in that service not only against the consent, but against the persons, of their fathers; and the earl received a notable supply.

104. Then, for their consent that a formal and perfunctory message should be sent to his majesty whereby they thought a treaty would be entered upon, they procured at the same time, Nov. 7. and as an expedient for peace, this material and full declaration of both Houses to the subjects of Scotland, which they caused with all expedition to be sent into that kingdom:—

105. 'We, the Lords and Commons assembled in the Parliament of England, considering with what wisdom and public affection our brethren of the kingdom of Scotland did concur with the endeavours of this Parliament, and the desires of the whole kingdom, in procuring and establishing a firm peace and amity between the two nations, and how lovingly they have since invited us to a nearer and higher degree of union, in matters concerning religion and church-government, which we have most willingly and affectionately embraced and intend to pursue, cannot doubt but they will with as much forwardness and affection concur with us in settling peace in this kingdom and preserving it in their own; that so we may mutually reap the benefit of that amity and alliance, so happily made and 1641 strongly confirmed betwixt the two nations. Wherefore, as we did about Oct. 22. a year since, in the first appearance of trouble then beginning amongst them, actually declare, that, in our sense and apprehension of the national alliance betwixt us, we were thereby bound to apply the authority of Parliament and power of this kingdom to the preservation and maintenance of their peace: and seeing now that the troubles of this kingdom are grown to a greater height, and the subtle practices of the common enemy

of the religion and liberty of both nations do appear with more evidence, strength and danger, than they did at that time, we hold it necessary to declare, That in our judgment the same obligation lies upon our brethren by the aforementioned Act, with the power and force of that kingdom, to assist us in repressing those amongst us who are now in arms, and make war, not only without consent of Parliament but even against the Parliament and for the destruction thereof. 1642

106. 'Wherefore we have thought good to make known unto our brethren, that his majesty hath given commission to divers eminent and known Papists to raise forces, and to compose an army in the north and other parts of this kingdom which is to join with divers foreign forces, intended to be transported from beyond the seas, for the destruction of this Parliament and of the religion and liberty of the kingdom: and that the [prelatical][1] part of the clergy and their adherents have likewise invited his majesty to raise another army, which in his own person he doth conduct against the Parliament and the city of London, plundering and robbing sundry well affected towns within their power; and [that], in prosecution of their malice, they are so presumptuous and predominant of his majesty's resolutions, that they forbear not those outrages in places to which his majesty hath given his royal word and protection. A great cause and incentive of which malice proceeds from the design they have to hinder the reformation of ecclesiastical government in this kingdom, so much longed for by all the true lovers of the Protestant religion. And hereupon we further desire our brethren of the nation of Scotland to raise such forces as they shall think sufficient for securing the peace of their own borders, against the ill affected persons there, as likewise to assist us in suppressing the army of Papists and foreigners which, as we expect, will shortly be on foot here, and, if they be not timely prevented, may prove as mischievous and destructive to that kingdom as to ourselves.

107. 'And though we seek nothing from his majesty that may diminish his just authority or honour, and have by many humble petitions endeavoured to put an end to this unnatural war and combustion in the kingdom, and to procure his majesty's protection, and security for our religion, liberty, and persons (according to that great trust which his majesty is bound to by the laws of the land,) and shall still continue to renew our petitions in that kind; yet, to our great grief, we see the papistical and malignant counsel so prevalent with his majesty, and his person so engaged to their power, that we have little hope of better success of our petitions than we formerly had; and are thereby necessitated to stand upon our just defence, and to seek this speedy and powerful assistance of our brethren of Scotland, according to that Act agreed upon in the Parliament of both kingdoms, the common duty of Christianity, and the particular interests of their own kingdom. To which we hope God will give such a blessing, that it may produce the preservation of religion, the honour, safety, and peace of his majesty and all his subjects, and a more strict conjunction of the counsels, designs and endeavours of both nations, for the comfort and relief of the reformed churches beyond sea.'

[1] [Husbands' *Collection*, p. 738; 'principal,' MS.]

1642 108[1]. It will not be here unseasonable, (having, according to my weak abilities and observation, described the general temper and disposition of that time, and the particular state of affairs in the several parts of the kingdom,) to take some short survey of the affections and inclinations of Scotland; the ordering and well disposing whereof either side sufficiently understood would be of moment and extraordinary importance in the growing contention. From the time of the King's being last there, when he had so fully complied with all they had desired both for the public government and their private advancements, that kingdom within itself enjoyed as much quiet and tranquillity as they could desire; having the convenience of disburdening themselves of their late army into Ireland, whither their old general Lashly, (then made earl of Leven,) was employed in his full command by the King and the two Houses at the charge of England. So that many believed they had been so abundantly satisfied with what they had already gotten from England, that they had no farther projects upon that kingdom, but meant to make their fortunes by a new conquest in Ireland, where they had a very great part of the province of Ulster planted by their own nation; so that, according to their rules of good husbandry, they might expect whatsoever they got from the rebels to keep for themselves. And the King himself was so confident that the affections of that people could not be corrupted towards him, and to make a farther attempt upon him, that he believed them, to a degree, sensible of their former breach of duty, and willing to repair it by any service. Lashly himself had made great acknowledgments and great professions to him, and had told him, that 'it was nothing to promise him that he would never more bear arms against him; but he promised he would serve his majesty upon any summons, without asking the cause.' The earl of Lowden and all the rest who had misled the people were possessed of whatsoever they could desire, and the future fortune of that nation seemed to depend wholly upon the keeping up the King's full power in this.

[1] [Sections 108-124 are here introduced from the end of book V. in the MS., pp. 257–259. The parenthesis in the opening sentence is marked for omission, in consequence of this transposition.]

109. His majesty had from time to time given his Council of 1642
that kingdom full relations of all his differences with the Parliament, and had carefully sent them the declarations and public passages of both sides; and they had always returned very ample expressions of their affections and duty, and expressed a great sense of the Parliament's proceedings towards him. And, since the time of his being at York, the Lord Chancellor of Scotland [1], (in whose integrity and loyalty he was least secure,) had been with him, and seemed so well satisfied with the justice and honour of his majesty's carriage towards the Parliament that he writ to the Scotch commissioners at Apr. 22.
London, in the name and as by direction of the Lords of the Secret Council of that kingdom, that they should present to the two Houses 'the deep sense they had of the injuries and indignities which were offered to the King, whose just rights they were bound to defend; and that they should conjure them to bind up those wounds which were made, and not to widen them by sharpness of language; and to give his majesty such real security for his safety amongst them, by an effectual declaring against tumults and such other actions as were justly offensive to his majesty, that he might be induced to reside nearer to them, and comply with them in such propositions as should be reasonably made;' with many such expressions as, together with his return into Scotland without coming to London where he was expected, gave them so much offence and jealousy that they never communicated that letter to the Houses, and took all possible care to conceal it from the people [2].

110. The marquis Hambleton had been likewise with his majesty at York, and finding the eyes of all men directed towards him with more than ordinary jealousy, he offered the King to go into Scotland, with many assurances, and undertakings confident, that he would at least keep that people from doing any thing that might seem to countenance the carriage

[1] [The earl of Loudoun.]

[2] [The letter may probably be that which is printed in the *Lords' Journals*, V. 53, under date of May 7, and which agrees in general sense, though not in actual words, with the supposed quotations.]

1642 of the Parliament. Upon which promises, and to be rid of him at York, where he was by all men looked upon with marvellous prejudice, the King suffered him to go, with full assurance that he would, and he was sure he could, do him very good service there: as, on the other side, in his own Court he was so great an offence, that the whole gentry of Yorkshire, (who no doubt had infusions to that purpose from others,) had a design to have petitioned the King that the marquis might be sequestered from all councils and presence at Court, as a man too much trusted by them who would not trust his majesty.

111. Lastly, the King had many of the nobility of Scotland then attending him, and among those the earl of Calander, who had been lieutenant-general of the Scotch army when it invaded England, and had freely confessed to his majesty upon what errors and mistakes he had been corrupted, and by whom, and pretended so deep a sense of what he had done amiss that it was believed he would have taken command in the King's army; which he declined, as if it might have been penal to him in Scotland by some clause in the Act of Pacification, but especially upon pretence it would disable him from doing him greater service in that kingdom: whither, shortly after the standard was set up, he repaired, with all solemn vows of asserting and improving his majesty's interest in those parts.

112. The Parliament, on the other hand, assured themselves that that nation was entirely theirs, having their commissioners residing with them at London, and the chief managers and governors in the first, by their late intercourse and communication of guilt, having a firm correspondence with the marquis of Argyle, the earl of Lowden, and that party, who, being not able to forgive themselves, thought the King could never in his heart forgive them when it should be in his power to bring them to justice; and they undertook that when there should be need of that nation, (which the other thought there would never be,) they should be as forward to second them as they had been; in the mean time returned as fair and respective answers to all their messages, and upon their declarations, (which were constantly sent to them,) as they did to the King;

assisting them in their design against the Church, (which was not yet grown popular even in the two Houses,) by declaring that the people of that nation could never be engaged on any other ground than the reformation of religion. 1642

113. And therefore, about the beginning of August, the Assembly of the Kirk of Scotland published a declaration, how 'exceedingly grieved they were and made heavy, that, in so long a time, against the professions both of King and Parliament, and contrary to the joint desires and prayers of the godly in both kingdoms, to whom it was more dear and precious than what was dearest to them in the world, the reformation of religion had moved so slowly and suffered so great interruption.' Aug. 3.

114. The ground of which reproach was this. In the late treaty of peace, the commissioners for Scotland had expressed a desire or wish, warily couched in words, rather than a proposition, that there were such an unity of religion and uniformity of church-government agreed on, as might be a special means for conserving of peace betwixt the two kingdoms: to which there had been a general inclination to return a rough answer, and reproof for their intermeddling in any thing that related to the laws of England. But, by the extraordinary industry and subtlety of those who saw that business was not yet ripe, and who alleged that it was only wished, not proposed, and therefore that a sharp reply was not merited, this gentle answer, (against the minds of very many,) was returned: 1641 March 10. 1641 June 15.

115. 'That his majesty, with the advice of both Houses of Parliament, did approve of the affection of his subjects of Scotland in their desire of having conformity of church-government between the two nations; and as the Parliament had already taken into consideration the reformation of church-government, so they would proceed therein in due time, as should best conduce to the glory of God, the peace of the Church and of both kingdoms.'

116. Which was consented to by most as a civil answer, signifying or concluding nothing; by others, because it admitted an interpretation of reducing the government of the Church in Scotland to this of England, as much as the contrary. But it might have been well discerned that those men asked nothing without a farther design than the words naturally imported,

1642 nor ever rested satisfied with a general formal answer except they found that they should hereafter make use and receive benefit by such answer. So they now urged the matter of this answer as a sufficient title to demand the extirpation of prelacy in England, and demolishing the whole fabric of that glorious Church; urging his majesty's late practice, while he [was] in person in Scotland, in resorting frequently to their exercises of public worship, and his royal actions in establishing the worship and government of that Kirk in Parliament.

Aug. 3. 117. And therefore they desired the Parliament

'to begin their work of reformation at the uniformity of kirk-government; for that there could be no hope of unity in religion, of one confession of faith, one form of worship, and one catechism, till there were first one form of church-government; and that the kingdom and Kirk of Scotland could have no hope of a firm and durable peace, till prelacy, which had been the main cause of their miseries and troubles, first and last, were plucked up root and branch, as a plant which God had not planted, and from which no better fruits could be expected than such sour grapes as at that day set on edge the kingdom of England.'

Aug. 18. 118. Which declaration the Lords of the Secret Council, finding, as they said,

'the reasons therein expressed to be very pregnant, and the particulars desired much to conduce for the glory of God, the advancement of the true Christian faith, his majesty's honour, and the peace and union of his dominions; well approved of, and concurred in, their earnest desires to the two Houses of Parliament, to take to their serious considerations those particulars, and to give favourable hearing to such desires and overtures as should be found most conducible for the promoting so great and so good a work.'

119. This being sent to the Parliament at the time they were forming their army, and when the King was preparing for his defence, they who from the beginning had principally intended this confusion of the Church insinuated

120. 'how necessary it was, speedily to return a very affectionate and satisfactory reply to the kingdom of Scotland; not only to preserve the reputation of unity and consent between them, which at that time was very useful to them, but to hinder the operations of the disaffected in that kingdom; who, upon infusions that the Parliament only aimed at taking his majesty's regal rights from him, to the prejudice of monarchic government, without any thought of reforming religion, endeavoured to pervert the affections of that people towards the Parliament. Whereas, if they were once assured there was a purpose to reform religion, they should be sure to have their hearts, and, if occasion required, their hands too, which

possibly might be seduced for the King if that purpose were not mani- 1642
fested. Therefore, for the present, they should do well to return their hearty thanks for, and their brotherly acceptance and approbation of, the desires and advice of that Christian Assembly and of the Lords of the Council; and that, though for the present, by reason of the King's distance from the Parliament, they could not settle any conclusions in that matter, for[1] their parts they were resolved to endeavour it.'

121. And by this artifice and invention they procured a Declaration from the two Houses of Parliament of wonderful kindness, and confession of many inconveniences and mischieves the kingdom had sustained by bishops; and therefore they de- Sept. 10.
clared that

122. 'That hierarchical government was evil, and justly offensive and burdensome to the kingdom, a great impediment to reformation and growth of religion, very prejudicial to the state and government of the kingdom, and that they were resolved that the same should be taken away; and that their purpose was to consult with godly and learned divines, that they might not only remove that, but settle such a government as might be most agreeable to God's holy word, most apt to procure and conserve the peace of the Church at home, and happy union with the Church of Scotland and other reformed churches abroad, and to establish the same by a law, which they intended to frame for that purpose, to be presented to his majesty for his royal assent; and in the mean time to beseech him that a bill for the Assembly might be passed in time convenient for their meeting;'

the two Houses having extrajudicially and extravagantly nominated their own divines to that purpose, as is before remembered[2].

123. It was then believed by many, and the King was persuaded to believe the same, that all those importunities from Scotland concerning the government of the Church were used only to preserve themselves from being pressed by the Parliament to join with them against the King; imagining that this kingdom would never have consented to such an alteration, and they, again, pretending that no other obligation could unite that people in their service. But it is most certain this last Declaration was procured by persuading men that it was for the present necessary, and that it was only an engagement to do their best to persuade his majesty, who they concluded would be inexorable in the point, (which they seemed not to be sorry

[1] ['that for,' MS.]

[2] [Book v, § 135.]

1642 for,) and that a receding from such a conclusion would be a means to gratify his majesty in a treaty; at worst, they all knew that there would be room enough, when any bill should be brought in, to oppose what they had for this reason of state seemed generally to consent to.

124. And so by these stratagems, thinking to be too hard for each other, they grew all so entangled that they have still wound themselves deeper into those labyrinths in which the major part meant not to be involved. And what effect that Declaration of
§ 104 the two Houses after the battle of Edgehill, which is mentioned before, wrought, will very shortly appear.

125[1]. The King found himself in good ease at Oxford, where care was taken for providing for the sick and wounded soldiers, and for the accommodation of the army, which was in a short time recruited there in a good measure; and the several colleges presented his majesty with all the money they had in their treasuries, which amounted to a good sum, and was a very seasonable supply, as they had formerly sent him all their plate. It had been very happy if the King had continued his resolution of sitting still during the winter, without making farther attempts; for his reputation was now great, and his army believed to be much greater than it was, by the victory they had obtained, and the Parliament grew more divided into factions and dislike of what they had done, and the city appeared fuller of discontent and less inclined to be imposed upon than they had been: so that on all hands nothing was pressed but that some address might be made to the King for an accommodation; which temper and disposition might have been cultivated, as many men thought, to great effect, if no farther approaches had been made to London, to shew them how little cause they had for their great fear. But the weather growing fair again, as it often is about Allhollantide, and a good party of horse having been sent out from Abbington, where the head-quarter of the horse was, they advanced farther than they had order to do, and upon their approach to Reading, where Harry Martin was

[1] [The *Life* is resumed at p. 200 for § 125 and beginning of 126, and then the *Hist.* pp. 366–419, to the end of book vi.]

governor for the Parliament, there was a great terror seized upon them, insomuch as governor and garrison fled to London, and left the place to the party of horse, which gave advertisement to the King that all fled before them, that the earl of Essex remained still at Warwick, having no army to march; and that there were so great divisions in the Parliament that, upon his majesty's approach, they would all fly, and that nothing could interrupt him from going to Whitehall; however, Reading itself was so good a post that, if the King should find it necessary to make his own residence in Oxford, it would be much the better by having a garrison at Reading. 1642

126. Upon these and other motives, besides the natural credulity in men in believing all they wish to be true, the King was prevailed with to march with his army to Reading[1]. This Nov. 2.

[1] [The narrative in the *Life* is from this point continued thus:—
'—but could not overtake his horse, which was still before, and his majesty followed to Col[n]ebrooke, whither a message from the Parliament was sent to him, to desire him to advance no farther before they sent persons to treat with him, which they were ready to do. And he did return such an answer as made them believe that he would expect them there, without moving nearer towards London. And if he had then stopped any farther advance, and himself upon that address retired to his castle at Windsor, it would have been delivered to him by the order of the Parliament, which had then some troops in it; and being possessed of so considerable a place, the treaty would very probably have been concluded with good success. But the fate of that poor kingdom contradicted that blessing. All things were in a hurry, and the horse still engaged the King to follow, so that he advanced with the whole army to Brainford, and cut off some regiments of foot which the earl of Essex had sent thither, himself being the night before entered London. It was now evident to all men that there had [been] great oversight in making so great haste; all thoughts of treaty were dashed; they who most desired it did not desire to be in the King's mercy, and they now believed, by his majesty's making so much haste towards them after their offer of a treaty, that he meant to have surprised and taken vengeance of them without distinction. All people prepared for a vigorous defence, and, beside the earl of Essex's army, all the city and nobility that remained there marched out with him to Hounslow Heath, with all things proportionable, or that could be of use or convenience to so numerous an army; where they quickly had a view of the whole miserable forces which had given them that alarum, which they found cause enough to despise, and so recovered easily their own courage. And the King found it necessary, after he had rested one night at Hampton-Court, to make a hasty retreat to Reading, where he left a garrison of about 3000 men under the command of sir

1642 alarum quickly came to London, and was received with the deepest horror: they now unbelieved all which had been told them from their own army; that army which they were told was beaten and shattered was now advanced within thirty miles of London; and the earl of Essex, who pretended to the victory, and who they supposed was watching the King that he might not escape from them, could not be heard of, and continued still at Warwick. Whilst the King was at Nottingham and Shrewsbury, they gave orders magisterially for the war;

Arthur Aston, who undertook to fortify it: and having likewise left colonel Blake with his regiment to fortify Wallingford castle, his majesty towards the end of November returned to Oxford, unsatisfied with the progress he had made, which had likewise raised much faction and discontent amongst the officers, every man imputing the oversights which had been committed to the rashness and presumption of others; and prince Rupert, in the march, contracted an irreconcilable prejudice to Wilmott, who was then lieutenant-general of the horse, and was not fast in the King's favour.

'As soon as the King returned to Oxford, his first care was to publish such declarations and proclamations as might best compose the minds of the people, by assuring them of the King's impatient desire of peace, which his hasty march from Col[n]ebrooke to Brainford, after the receipt of the Parliament message, had made much doubted, and the managers there lost no time in the improving those jealousies; and therefore his majesty caused a declaration to be published concerning that affair, and the ground of his advancement to Brainford; which declaration was prepared by the lord Falkland, through whose hands that address and the answer to it had passed. That declaration, and the answer to the 19 propositions which is mentioned before, were the two only declarations of the King's which were not prepared and drawn by Mr. Hyde, who at that time was busy in other things, as drawing proclamations, and other declarations and writings by which the King thought his service to be much advanced.'

Before the words which follow in the text, 'This alarum,' &c., the following passage is struck out in the MS. of the *Hist.*

'The fame of the great distractions at London, and the advices from unskilful persons thence, who believed that the appearance of his majesty with his forces near London would so terrify the disaffected, and give such life and courage to those who wished well to him, that the gates would be open to him, prevailed with his majesty, when all armies use to betake themselves to their winter quarters, to lead his again into the field; and therefore, having rested himself at Oxford only three days, he marched towards Reading, prince Rupert with his horse and dragoons having so frighted that garrison, (for there was a garrison planted in it by the Parliament,) that the chief officers upon the fame of his coming fled, that the town willingly received the King's forces, and delivered all their arms and ammunition to his disposal.']

but now it was come to their own doors, they took not that delight in it. 1642

127. Before they were resolved what to say, they despatched a messenger, who found the King at Reading, only to desire a safe conduct from his majesty for a committee of Lords and Commons, to attend his majesty with an humble petition from his Parliament. The King presently returned his answer, 'that he had always been, and was still, ready to receive any petition from them; that their committee should be welcome, provided it consisted of persons who had not been by name declared traitors by his majesty, and excepted as such in his declarations or proclamations.' The cause of this limitation was as well the former rule his majesty had set down at Shrewsbury, (from whence he thought not fit now to recede after a battle,) as that he might prevent the lord Say's being sent to him, from whom he could expect no entire and upright dealing. Nov. 3. Nov. 4.

128. The next day another letter came from the Speaker of the House of Peers to the lord Falkland, one of his majesty's principal Secretaries, to desire a safe conduct for the earls of Northumberland and Pembroke, and four members of the House of Commons, to attend his majesty with their petition. Which safe conduct was immediately signed by his majesty, excepting only for sir John Evelyn, who was by name excepted in his majesty's proclamation of pardon to the county of Wilts; which proclamation was then sent to them, with a signification that if they would send any other person in his place not subject to the same exception, he should be received as if his name was in the safe conduct. Though this was no more than they had cause to look for, yet it gave them opportunity for a time to lay aside the thought of petitioning, as if his majesty had rejected all overtures of peace: 'for he might every day proclaim as many of their members traitors, and except them from pardon, as he pleased; and therefore it was to no purpose to prepare petitions, and appoint messengers to present them, when it was possible those messengers might, the hour before, be proclaimed traitors: that to submit to such a limitation of the King's was, upon the matter, to consent to and approve Nov. 5. Nov. 6. Nov. 2.

1642 the highest breach of privilege that had been yet offered to them.'

129. So that, for some days, all discourse of peace was waived, and all possible preparation for defence and resistance made; for which they had a stronger argument than either of the other, the advancing of their general, the earl of Essex, who was now on his march towards London; and a great fame came before him of the strength and courage of his army, though in truth it was not answerable to the report: however, it served to encourage and inflame those whose fear only inclined them to peace, and to awe the rest. The King, who had every night an account of what was transacted in the Houses all day, (what the close committee did, who guided all private designs, was not so soon known,) resolved to quicken them; and advanced with his whole army to Col[n]ebrooke. This indeed exalted their appetite to peace, for the clamour of the people was importunate, and somewhat humbled their style; for at Col[n]e-
Nov. 11. brooke, the 11th of November, his majesty was met by the two earls of Northumberland and Pembroke, with those three of the House of Commons whose names were in the safe conduct, (they satisfying themselves that the leaving sir John Evelyn behind them, without bringing another in his room, was no submission to the King's exception:) and this petition by them presented to him:

130. 'We your majesty's most loyal subjects, the Lords and Commons in Parliament assembled, being affected with a deep and piercing sense of the miseries of this kingdom, and of the dangers to your majesty's person, as the present affairs now stand; and much quickened therein with the sad consideration of the great effusion of blood at the late battle, and of the loss of so many eminent persons; and farther weighing the addition of loss, misery, and danger to your majesty and your kingdom which must ensue, if both armies should again join in another battle, as without God's especial blessing, and your majesty's concurrence with your Houses of Parliament, will not probably be avoided: we cannot but believe that a suitable impression of tenderness and compassion is wrought in your majesty's royal heart, being yourself an eyewitness of the bloody and sorrowful destruction of so many of your subjects; and that your majesty doth apprehend what diminution of your own power and greatness will follow, and that all your kingdoms will thereby be so weakened as to become subject to the attempts of any ill-affected to this State.

131. 'In all which respects we assure ourselves, that your majesty will

be inclined graciously to accept this our humble petition; that the misery 1642
and desolation of this kingdom may be speedily removed and prevented. For the effecting whereof, we humbly beseech your majesty to appoint some convenient place not far from the city of London, where your majesty will be pleased to reside, until committees of both Houses of Parliament may attend your majesty with some propositions for the removal of these bloody distempers and distractions, and settling the state of the kingdom in such a manner as may conduce to the preservation of God's true religion, your majesty's honour, safety, and prosperity, and to the peace, comfort, and security of all your people.'

132. The King, within two or three hours after the receipt of this petition, delivered to the same messengers this ensuing answer, with which they returned the same night to London:—

133. 'We take God to witness, how deeply we are affected with the miseries of this kingdom, which heretofore we have stroven as much as in us lay to prevent; it being sufficiently known to all the world that, as we were not the first that took up arms, so we have shewed our readiness of composing all things in a fair way by our several offers of treaty, and shall be glad now at length to find any such inclinations in others. The same tenderness to avoid the destruction of our subjects, (whom we know to be our greatest strength,) which would always make our greatest victories bitter to us, shall make us willingly hearken to such propositions whereby these bloody distempers may be stopped, and the great distractions of this kingdom settled, to God's glory, our honour, and the welfare and flourishing of our people: and to that end shall reside at our own castle at Windsor, (if the forces there shall be removed,) till committees may have time to attend us with the same, (which, to prevent the inconveniences that will intervene, we wish [may] be hastened,) and shall be ready there, or, if that be refused us, at any place where we shall be, to receive such propositions as aforesaid from both our Houses of Parliament. Do you your duty; we will not be wanting to ours. God of his mercy give a blessing.'

134. It was then believed by many that, if the King had, as soon as the messengers returned to London, retired with his army to Reading, and there expected the Parliament's answer, they[1] would immediately have withdrawn their garrison from Windsor, and delivered that castle to his majesty for his accommodation to have treated in: and without doubt those lords who had been with the petition, and some others, who thought themselves as much overshadowed by the greatness of the earl of Essex and the chief officers of the army as they could be by the glory of any favourite or power of any counsellors, were

[1] ['that they,' MS.]

1642 resolved to merit as much as they could of the King by advancing an honourable peace, and had it in their purpose to endeavour the giving up of Windsor to the King; but whether they would have been able to have prevailed that so considerable a strength, in so considerable a place, should have been quit, whilst there was only hope of a peace, I much doubt. But certainly the King's army carried great terror with it; and all those reports which published the weakness of it grew to be peremptorily disbelieved. For, besides that every day's experience disproved somewhat which was as confidently reported, (and it was evident great industry was used to apply such intelligence to the people as was most like to make impression upon the passions and affections of the vulgar-spirited,) it could not be believed that a handful of men could have given battle to their formidable army, and, after taking two or three of their garrisons presume to march within fifteen miles of London: so that, if from thence the King had drawn back again to Reading, relying upon a treaty for the rest, it is probable his power would have been more valued, and consequently his grace the more magnified. And sure the King resolved to have done so, or at least to have stayed at Col[n]ebrooke, (which was not so convenient,) till he heard again from the Parliament. But prince Rupert, (exalted with the terror he heard his name gave to the enemy,) trusting too much to the vulgar intelligence every man received from his friends at London, who, according to their own passions and the affections of those with whom they corresponded, concluded that the King had so great a party in London that if his army drew near no resistance would be made[1], without any direction
Nov. 12 from the King, the very next morning after the committee returned to London advanced with the horse and dragoons to Hounslow, and then sent to the King to desire him that the army might march after; which was, in that case, of absolute necessity, for the earl of Essex had a part of his army at Brainford, and the rest at Acton and Kingston. So that if the King

[1] [The following lines are here struck out in the MS:—'and too much neglecting the Council of State, (which from the first hour the army overmuch inclined to).']

had not advanced with his body, those who were before might very easily have been compassed in, and their retreat very difficult. 1642

135. So the King marched with his whole army towards Brainford, where were two regiments of their best foot, (for so they were accounted, being those who had eminently behaved themselves at Edgehill,) having barricadoed the narrow avenues to the town, and cast up some little breastworks at the most convenient places. Here a Welsh regiment of the King's, which had been faulty at Edgehill, recovered its honour, and assaulted the works, and forced the barricadoes, well defended by the enemy. Then the King's forces entered the town after a very warm service, the chief officers and many soldiers of the other side being killed, and took there above five hundred prisoners, eleven colours, and fifteen pieces of cannon, and good store of ammunition. But this victory (for considering the place it might well be called so) proved not at all fortunate to his majesty.

136. The two Houses were so well satisfied with the answer their committee had brought from the King, and with the report they made of his majesty's clemency and gracious reception of them, that they had sent order to their forces that they should not exercise any act of hostility towards the King's forces, and at the same time despatched a messenger to acquaint his majesty therewith, and to desire that there might be the like forbearance on his part. This messenger found both parties engaged at Brainford, and so returned without attending his majesty, who had no apprehension that they intended any cessation, since those forces were advanced to Brainford, Acton, and Kingston after their committee was sent to Col[n]ebrooke. However, they looked upon this entering of Brainford as a surprise contrary to faith, and the betraying their forces to a massacre under the specious pretence of a treaty for peace. The alarum came to London with the same dire yell as if the army were entered their gates, and the King accused of treachery, perfidy, and blood, and that he had given the spoil and wealth of the city as pillage to his army, which advanced with no other purpose. Nov. 12.

1642 137. They who believed nothing of those calumnies were not yet willing the King should enter the city with an army, which they knew would not be governed in so rich quarters; and therefore with unspeakable expedition the army under the earl of Essex was not only drawn together, but all the train-bands of London led out in their brightest equipage upon the Nov. 13. heath next Brainford; where they had indeed a full army of horse and foot, fit to have decided the title of a crown with an equal adversary. The view and prospect of this strength, which nothing but that sudden exigent could have brought together, (so that army was really raised by King and Parliament,) extremely puffed them up; not only as it was an ample security against the present danger, but as it looked like a safe power to encounter any exigent. They had then before their eyes the King's little handful of men, and then began to wonder and blush at their own fears; and all this might be without excess of courage; for without doubt their numbers then, without the advantage of equipage, (which to soldiers is a great addition of mettle,) were five times greater than the King's harassed, weatherbeaten, and half-starved troops.

138. I have heard many knowing men, and some who were then in the city regiments, say, that if the King had advanced and charged that massy body, it had presently given ground, and that the King had so great a party in every regiment that it would have made no resistance. But it had been madness, which no success could have vindicated, to have made that attempt: and the King easily discerned that he had brought himself into straits and difficulties which would be hardly mastered, and exposed his victorious army to a view at too near a distance of his two enemies, the Parliament and the city. Yet he stood all that day in battalia to receive them, who only played upon him with their cannon, to the loss only of four or five horses, and not one man; that being a good argument to them not to charge the King, which had been an ill one to him to charge them, the constitution of their forces, where there were very many not at all affected to the company they were in.

139. When the evening drew on, and it appeared that great body stood only for the defence of the city, the King appointed his army to draw off to Kingston, which the rebels had kindly quitted; which they did without the loss of a man; and himself went to his own house at Hampton-Court, where he rested the next day, as well to refresh his army, even tired with watching and fasting, as to expect some propositions from the Houses. For, upon his advance to Brainford, he had sent a servant of his own, (one Mr. White,) with a message to the Parliament, containing the reasons of that motion, there being no cessation offered on their part, and desiring the propositions might be despatched to him with all speed. But his messenger being carried to the earl of Essex was by him used very roughly, and by the Houses committed to the Gate-house, not without the motion of some men that he might be executed as a spy. 1642 Nov. 13, 14.

140. After a day's stay at Hampton-Court, the King removed himself to his house at Oatlands, leaving the gross of his army still at Kingston and thereabouts; but being then informed of the high imputations they had laid upon him of breach of faith by his march to Brainford, and that the city was really inflamed with an opinion that he meant to have surprised them and to have sacked the town; that they were so possessed with that fear and apprehension, that their care and preparation for their safety would, at least, keep off all propositions for peace whilst the army lay so near London; he gave direction for all his forces to retire to Reading[1], first discharging all the common soldiers who had been taken prisoners at Brainford, (except such who voluntarily offered to serve him,) upon their oaths that they would no more bear arms against his majesty. Nov. 14.

141. The King then sent a message to the Houses, in which he took notice of those unjust and unreasonable imputations raised on him; told them again of the reasons and circumstances of his motion towards Brainford; of the earl of Essex's drawing out his forces towards him, and possessing those quarters about him, and almost hemming him in, after the time that the Nov. 18.

[1] [This name is always written *Redding* in the MS.]

1642 commissioners were sent to him with the petition; that he had never heard of the least overture of the forbearing all acts of hostility, but saw the contrary practised by them by that advance; that he had not the least thought or intention of mastering the city by force, or carrying his army thither; that he wondered to hear 'his soldiers charged with thirsting after blood, when they took above five hundred prisoners in the very heat of the fight.' He told them 'such were most apt and likely to maintain their power by blood and rapine, who had only got it by oppression and injustice; that his was vested in him by the law, and by that only (if the destructive counsels of others did not hinder such a peace in which that might once again be the universal rule, and in which only religion and justice could flourish) he desired to maintain it: that he intended to march to such a distance from his city of London as might take away all pretence of apprehension from his army that might hinder them from preparing their propositions, in all security, to be presented to him; and there he would be ready to receive them, or, if that expedient pleased them not, to end the pressures and miseries which his subjects, to his great grief, suffered through this war, by a present battle.'

142. But as the army's being so near London was an argument against a present treaty, so its remove to Reading was a greater with very many not to desire any. The danger, which they had brought themselves for some days together to look upon at their gates, was now to be contemned at the distance of thirty miles; and this retreat imputed only to the fear of their power, not to the inclination to peace. And therefore they, who during the time that the major part did really desire a good peace, and whilst overtures were preparing to that purpose, had the skill to intermingle acts more destructive to it than any propositions could be contributory, (as the inviting
§ 104. the Scots to their assistance by that declaration which is before
Nov. 2. mentioned, and the publishing a declaration at the same time, which had lain long by them, in reply to one set forth by the King long before in answer to theirs of the 26th of May, in which they used both his person and his power with more irre-

verence than they had ever done before,) now only insisted on 1642
the surprise, (as they called it,) of Brainford; published by the Nov. 24.
authority of both Houses a relation of the carriage of the King's soldiers in that town after their victory, which they framed upon the discourses of the country people, who possibly, (as it could not be otherwise,) had received damage by their license then, to make the King and his army odious to the kingdom, as affecting nothing but blood and rapine; concluded that there could not be reasonably expected any good conditions of a tolerable peace from the King whilst he was in such company, and therefore that all particular propositions were to be resolved into that one, of inviting his majesty to come to them; and got a vote from the major part of both Houses, that no Nov. 24.
other thought of accommodation or treaty should be thought on.

143. Their trusty lord mayor of London, Isaac Pennington, (who was again chosen to serve another year,) so bestirred himself, having to assist him two such shrieves, Langham and Andrews, as they could wish, that there was not only no more importunity or interposition from the city for peace, but, instead thereof, an overture and declaration from divers, (under the style Nov. 13.
of *well-affected persons*,) that they would advance a considerable number of soldiers for the supply and recruit of the Parliament forces, and would arm, maintain, and pay them for several months, or during the times of danger and distractions; provided that they might have the public faith of the kingdom for repayment of all such sums of money which they should so advance by way of loan. This wonderful kind proposition was presently declared to be an acceptable service to the King, Parliament, and kingdom, and necessarily tending to the preservation of them; and therefore an ordinance, (as they call it,) was framed, and passed both Houses, Nov. 14.

144. 'That all such as should furnish men, money, horse, or arms, for that service, should have the same fully repaid again, with interest for the forbearance thereof, from the times disbursed. And for the true payment thereof, they did thereby engage to all and every such person and persons the public faith of the kingdom, and ordered the lord mayor and shrieves of London, by themselves, or such sub-committees as they should appoint, to take subscriptions, and to intend the advancement of that service.'

1642 145. Upon this voluntary general proposition, made by a few obscure men, (probably such who were not able to supply much money,) was this ordinance made; and from this ordinance the active mayor and shrieves appointed a committee of such persons whose inclinations they well knew, to press all kind of people, (especially those who were not forward,) to new subscriptions; and by degrees, from this unconsidered passage, grew the monthly tax of six thousand pounds to be set upon the city for the payment of the army.

146. As they provided with this notable circumspection to raise men and money, so they took not less care, nor used less art and industry, to raise their general; and lest he might suppose himself fallen in their good grace and confidence, by bringing an army, which he had carried out in full numbers and glorious equipage, back shattered, poor, and discomforted, they used him with greater reverence and submission than ever.

Oct. 22. They had before appointed another distinct army to be raised under the command of the earl of Warwick, and not subject to the power of the earl of Essex; and of this several regiments and troops were raised: these they sent to the old army, and

Nov. 22. the earl of Warwick gave up his commission, upon a resolution that there should be only one general, and that the earl of Essex.

147. Then the two Houses passed and presented with great

Nov. 11. solemnity this declaration, the same day that their committee went to the King with their petition, to his excellency, that, as they had

'upon mature deliberation, and assured confidence in his wisdom, courage, and fidelity, chosen and appointed him their captain-general, so they did find that the said earl had managed that service of so high importance with so much care, valour, and dexterity, as well by the extremest hazard of his life, in a bloody battle near Keinton in Warwickshire, as by all the actions of a most excellent and expert commander, in the whole course of that employment, as did deserve their best acknowledgment: and they did therefore declare and publish, to the lasting honour of the said earl, the great and acceptable service which he had therein done to the commonwealth, and should be willing and ready upon all occasions to express the due sense they had of his merits, by assisting and protecting him, and all others employed under his command in that service, with their lives and fortunes, to the uttermost of their power: that testimony and declaration to remain upon record, in both Houses of Parliament, for a mark of

honour to his person, name, and family, and for a monument of his singular virtue to posterity.' 1642

148. When they had thus composed their army and their general, they sent this petition to the King to Reading, who stayed still there in expectation of their propositions: Nov. 24.

149. 'May it please your majesty:

'It is humbly desired by both Houses of Parliament, that your majesty will be pleased to return to your Parliament, with your royal, not your martial, attendance; to the end that religion, laws, and liberties may be settled and secured by their advice; finding, by a sad and late accident, that your majesty is environed by some such counsels as do rather persuade a desperate division than a joining and a good agreement with your Parliament and people: and we shall be ready to give your majesty assurances of such security as may be for your honour and the safety of your royal person.'

150. As soon as the King received this strange address, he returned them by the same messenger a sharp answer. He told them, he hoped Nov. 27.

151. 'All his good subjects would look upon that message with indignation, as intended by the contrivers thereof as a scorn to him; and thereby designed by that malignant party, (of whom he had so often complained, whose safety and ambition was built upon the divisions and ruins of the kingdom, and who had too great an influence upon their actions,) for a wall of separation betwixt his majesty and his people.' He said, 'he had often told them the reasons why he departed from London; how he was chased thence, and by whom; and as often complained that the greatest part of his Peers and of the members of the House of Commons could not with safety to their honours and persons continue and vote freely amongst them, but by violence and cunning practices were debarred of those privileges which their birthrights and the trust reposed in them by their counties gave them: that the whole kingdom knew that an army was raised under pretence of orders of both Houses, (an usurpation never before heard of in any age,) which army had pursued his majesty in his own kingdom, [and] given him battle at Keinton; and now, those rebels being recruited and possessed of the city of London, he was courteously invited to return to his Parliament there, that is, to the power of that army.

152. 'That,' he said, 'could signify nothing but that, since the traitorous endeavours of those desperate men could not snatch the crown from his head, it being defended by the providence of God and the affections and loyalty of his good subjects, he should now tamely come up, and give it them, and put himself, his life, and the lives, liberties, and fortunes of all his good subjects, into their merciful hands.' He said, 'he thought not fit to give any other answer to that part of their petition: but as he imputed not that affront to both his Houses of Parliament, nor to the major part of those who were then present there, but to that dangerous party his majesty and the kingdom must still cry out upon, so he would not (for his

1642 good subjects' sake, and out of his most tender sense of their miseries, and the general calamities of the kingdom, which must, if the war continued, speedily overwhelm the whole nation, take advantage of it; but if they would really pursue the course they seemed by their petition at Colebrook to be inclined to, he should make good all he then promised; whereby the hearts of his distressed subjects might be raised with the hopes of peace, without which, religion, the laws, and liberties, could by no ways be settled and secured.

153. 'For the late and sad accident they mentioned, if they intended that of Brainford, he desired them once again to deal ingenuously[1] with the people, and to let them see his last message to them, and his declaration concerning the same, (both which his majesty had sent to his press at London, but were taken away from his messenger and not suffered to be published,) and then he doubted not but they would be soon undeceived, and easily find out those counsels which did rather persuade a desperate division than a good agreement betwixt his majesty, his two Houses, and people.'

154. This answer being delivered, without any farther consideration whether the same were reasonable or not reasonable, they declared the King had no mind to peace; and thereupon laid aside all farther debates to that purpose, and ordered their general to march to Windsor with the army, to be so much nearer the King's forces; for the better recruiting whereof, two of their most eminent chaplains, Dr. Downing[2] and Mr. Marshall, publicly avowed that the soldiers lately taken prisoners at Brainford, and discharged, and released by the King upon their oaths that they would never again bear arms against him, were not obliged by that oath, but by their power absolved them thereof, and so again engaged those miserable wretches in a second rebellion.

155. When the King discerned clearly that the enemies to peace had the better of him, and that there was now no farther thought of preparing propositions to be sent to him, after he had seen a line drawn about Reading, (which he resolved to keep as a garrison,) and the works in a reasonable forwardness, he left sir Arthur Aston, (whom he had lately made commissary-general of the horse, Mr. Wilmott being at the same time constituted lieutenant-general,) governor thereof, with a garrison of above two thousand foot and a good regiment of horse: and
Nov. 29. himself with the rest of his army marched to Oxford, where he

[1] ['ingeniously,' MS.] [2] [Altered in the MS. from 'Downeham.']

resolved to rest that winter, settling at the same time a good 1642
garrison at Wallingford, a place of great importance within eight[1] miles of Oxford; another at the Brill upon the edge of Buckinghamshire; a third being before settled at Banbury; Abbington being the head quarters for his horse; and by this means he had all Oxfordshire entire, all Barkshire, (but that barren division about Windsor,) and from the Brill and Banbury a good influence upon Buckinghamshire and Northamptonshire.

156. The King was hardly settled in his quarters, when he heard that the Parliament was fixing a garrison at Marlborough in Wiltshire, a town the most notoriously disaffected of all that county; otherwise, saving the obstinacy and malice of the inhabitants, in the situation of it very unfit for a garrison. Thither the earl of Essex had sent one Ramsey, (a Scotchman, as most of their officers were of that nation,) to be governor, who, with the help of the factious people there, had quickly drawn together five or six hundred men. This place the King saw would prove quickly an ill neighbour to him, not only as it was in the heart of a rich county, and so would straiten, and even infest, his quarters, (for it was within twenty[2] miles of Oxford,) but as it did cut off his line of communication with the west; and therefore, though it was December, a season when his tired and almost naked soldiers might expect rest, he sent a strong party of horse, foot, and dragoons, under the command of Mr. Wilmott, the lieutenant-general of his horse, to visit that town; who, coming thither on a Saturday, found the place strongly Dec. 3.
manned: for, besides the garrison, it being market-day, very many country people came thither to buy and sell, and were all compelled to stay and take arms for the defence of the place, which, for the most part, they were willing to do, and the people peremptory to defend it. Though there was no line about it, yet there were some places of great advantage upon which they had raised batteries and planted cannon, and so barricadoed all the avenues, which were through deep narrow lanes, that the horse could do little service.

[1] [twelve.] [2] [above thirty.]

1642 157. When the lieutenant-general was with his party near the town, he apprehended a fellow who confessed upon examination that he was a spy, and sent by the governor to bring intelligence of their strength and motion. When all men thought, and the poor fellow himself feared, he should be executed, the lieutenant-general caused his whole party to be ranged in order in the next convenient place, and bid the fellow look well upon them and observe them, and then bid him return to the town and tell those that sent him what he had seen, and withal that he should acquaint the magistrates of the town that they should do well to treat with the garrison to give them leave to submit to the King; that if they did so, the town should not receive the least prejudice; but if they compelled him to make his way, and enter the town by force, it would not be in his power to keep his soldiers from taking that which they should win with their blood: and so dismissed him. This generous act proved of some advantage; for the fellow, transported with having his life given him, and the numbers of the men he had seen, (besides his no experience in such sights,) being multiplied by his fear, made notable relations of the strength, gallantry, and resolution of the enemy, and of the impossibility of resisting them; which, though it prevailed not with those in authority to yield, yet it strangely abated the hopes and cour-
Dec. 5. age of the people. So that when the King's soldiers fell on, after a volley or two, in which much execution was done, they threw down their arms, and ran into the town; so that the foot had time to make room for the horse, who were now entered at both ends of the town, yet were not so near an end as they expected; for the streets were in many places barricadoed, which were obstinately defended by some soldiers and townsmen, who killed many men out of the windows of the houses; so that, it may be, if they had trusted only to their own strength, without compelling the countrymen to increase their number, and who, being first frighted and weary, disheartened their companions, that vile place might have cost more blood. Ramsey, the governor, was himself retired into the church with some officers, and from thence did some hurt; upon this, there being

so many killed out of windows, fire was put to the next houses, so that a good part of the town was burned, and then the soldiers entered, doing less execution than could reasonably be expected; but what they spared in blood they took in pillage, the soldiers inquiring little who were friends or foes. 1642

158. This was the first garrison taken on either side; (for I cannot call Farnham castle in Surrey one, whither some gentlemen who were willing to appear for the King had repaired, and were taken with less resistance than was fit by sir William Waller some few days before, and before it deserved the name of a garrison:) in which were taken, (besides the governor and other officers, who yielded upon quarter,) above one thousand prisoners, great store of arms, four pieces of cannon, and a good quantity of ammunition, with all which the lieutenant-general returned safe to Oxford: though this victory was a little shadowed by the unfortunate loss of a very good regiment of horse within a few days after; for the lord Grandison, by the miscarriage of orders, was exposed at too great a distance from the army, with his single regiment of horse, consisting of three hundred, and a regiment of two hundred dragoons, to the unequal encounter of a party of the enemy of five thousand horse and dragoons, and so was himself, after a retreat made to Winchester, there taken with all his party; which was the first loss the King sustained, and was without the least fault of the commander, who lessened the misfortune much by making an escape himself with two or three of his principal officers, who were very welcome to Oxford. Dec. 1. Dec. 13.

159. The first thing the King applied himself to consult upon after he was settled in his winter quarters, and despaired of any honest overtures for a peace, was, how to apply some antidote to that poison which was sent into Scotland in that Declaration we mentioned before; the which he had not only seen as an act communicated abroad and in many hands, but the Scots earl of Linds[a]y, who was then a commissioner-lieger at London for Scotland, had presented to him. And there was every day some motion in the House of Commons to press

1642 the Scots to invade the kingdom for their assistance, upon the growth of the earl of Newcastle's power in the north. And Dec. 6. therefore, after full thoughts, the King writ to his Privy-Council of Scotland, (who, by the laws enacted when he was last there, had the absolute, indeed regal, power of that kingdom,) and took notice of that Declaration which had been sent to them, earnestly inviting, and in a manner challenging, assistance from that his native kingdom of men and arms for making a war against him, and making claim to that assistance by virtue of the late Act of Pacification. He told them, that

160. 'As he was at his soul afflicted that it had been in the power of any factious, ambitious, and malicious persons, so far to possess the hearts of many of his subjects of England as to raise this miserable distemper and distraction in this kingdom, against all his real endeavours and actions to the contrary, so he was glad that that rage and fury had so far transported them that they applied themselves in so gross a manner to his subjects of Scotland, whose experience of his religion, justice, and love of his people, would not suffer them to believe those horrid scandals laid upon his majesty, and their affection, loyalty, and jealousy of his honour would disdain to be made instruments to oppress their native sovereign by assisting an odious rebellion.' He remembered them, that 'he had from time to time acquainted his subjects of that kingdom with the accidents and circumstances which had disquieted this; how, after all the acts of justice, grace, and favour, performed on his part, which were or could be desired to make a people completely happy, he was driven, by the force and violence of rude and tumultuous assemblies, from his city of London and his Houses of Parliament; how attempts had been made to impose laws upon his subjects without his consent, and contrary to the foundation and constitution of the kingdom; how his forts, goods, and navy had been seized, and taken from him by force, and employed against him: his revenue and ordinary subsistence wrested from him: how he had been pursued with scandalous and reproachful language, bold, false, and seditious pasquils and libels publicly allowed against him, and had been told that he might, without want of modesty and duty, be deposed: that after all this, (before any force raised by him,) an army was raised, and a general appointed to lead that army against his majesty, with a commission to kill, slay, and destroy all such who should be faithful to him: that when he had been by these means compelled, with the assistance of his good subjects, to raise an army for his necessary defence, he had sent divers gracious messages, earnestly desiring that the calamities and miseries of a civil war might be prevented by a treaty, and so he might know the grounds of that misunderstanding: that he was absolutely refused to be treated with, and the army, (raised, as was pretended, for the defence of his person,) brought into the field against him, gave him battle, and,

(though it pleased God to give his majesty the victory,) destroyed many of his good subjects, with as [im]minent[1] danger to his own person and his children, as the skill and malice of desperate rebels could contrive. 1642

161. 'Of all which, and the other indignities which had been offered to him, he doubted not the duty and affection of his Scottish subjects would have so just a resentment, that they would express to the world the sense they had of his sufferings. And he hoped his good subjects of Scotland were not so great strangers to the affairs of this kingdom, to believe that this misfortune and distraction was begot and brought upon him by his two Houses of Parliament, (though, in truth, no unwarrantable action against the law could be justified even by that authority,) but that they well knew how the members of both Houses had been driven thence, insomuch that of above five hundred members of the House of Commons there were not then there above fourscore, and of above one hundred of the House of Peers not above fifteen or sixteen; all which were so awed by a multitude of Anabaptists, Brownists, and other persons, desperate and decayed in their fortunes, in and about the city of London, that, in truth, their consultations had not the freedom and privilege which belong to Parliament.

162. 'Concerning any commissions granted by his majesty to Papists to raise forces, he referred them to a Declaration lately set forth by him upon the occasion of that scandal, which he likewise then sent them. And for his own true and zealous affection to the Protestant religion, he would give no other instance than his own constant practice, on which malice itself could lay no blemish, and those many protestations he had made in the sight of Almighty God, to whom he knew he should be dearly accountable if he failed in the observation.

163. 'For that scandalous imputation of his intention of bringing in foreign force, as the same was raised without the least shadow or colour of reason, and solemnly disavowed by his majesty in many of his declarations, so there could not be a clearer argument to his subjects of Scotland that he had no such thought, than that he had hitherto forborne to require the assistance of that his native kingdom; from whose obedience, duty, and affection he should confidently expect it, if he thought his own strength here too weak to preserve him, and of whose courage and loyalty he should look to make use before he should think of any foreign aid to succour him. And he knew no reasonable or understanding man could suppose that he was obliged[2], or enabled, by the late Act of Parliament in both kingdoms, to obey the invitation that was made to them by that Declaration, when it was so evidently provided for by that Act, that, as the kingdom of England should not war against the kingdom of Scotland without consent of the Parliament of England, so the kingdom of Scotland should not make war against the kingdom of England without the consent of the Parliament of Scotland.'

164. He told them, 'if the grave counsel and advice which they had given and derived to the Houses of Parliament here, by their Act of the

[1] [Husbands' *Collection*, p. 740; 'eminent,' MS.]

[2] ['that our good subjects of Scotland are obliged:' Husbands' *Collection*, p. 741.]

1642 22nd of April last, had been followed, in a tender care of his royal person and of his princely greatness and authority, there would not that face of confusion have appeared which now threatened the kingdom; and therefore he required them to communicate what he then writ to all his subjects of that kingdom, and to use their utmost endeavours to inform them of the truth of his condition; and that they suffered not the scandals and imputations laid on his majesty by the malice and treason of some men to make any impression in the minds of his people, to the lessening or corrupting their affections and loyalty to him; but that they assured them all, that the hardness he then underwent, and the arms he had been compelled to take up, were for the defence of his person and safety of his life, for the maintenance of the true Protestant religion, for the preservation of the laws, liberties, and constitution of the kingdom, and for the just privileges of Parliament; and that he looked no longer for blessing from Heaven than he endeavoured the defence and advancement of all these. And he could not doubt a dutiful concurrence in his subjects of Scotland in the care of his honour and just rights would draw down a blessing upon that nation too.'

165. Though his majesty well knew all the persons to whom he directed this letter to be those who were only able and willing to do him all possible disservice, yet he was sure by other instruments, if they neglected, (which for that reason they were not like to do,) to publish it to the people there; which he believed might so far operate upon them, as the other would not be able to procure them to invade England; and other fruit of their allegiance he expected not than that they should not rebel.

166. His majesty's next care was the procuring money for the payment of his army; that the narrow circuit which contained his quarters might not be so intolerably oppressed as with that whole burden. And this was a very difficult matter; for the soldiery already grew very high, and would obey no orders or rules but of their own making; and prince Rupert considered only the subsistence and advance of the horse as his province, and indeed as if it had been a province apart from the army, and therefore would by no means endure that the great contributions which the counties within command willingly submitted to should be assigned to any other use than the support of the horse, and to be immediately collected and received by the officers. So that the several garrisons and all the body of foot were to be constantly paid, and his majesty's

weekly expense for his house borne, out of such money as could 1642
be borrowed. For of all his own revenue he had not yet the receiving a penny within his power; neither did he think fit to compel any one, even such who were known to have contributed freely to the Parliament, to supply him: only by letters, and all other gentle ways, he invited those who were able, to consider how much their own security and prosperity was concerned, and depended upon the preservation of his rights; and offered to sell any of his lands, or to give any personal security for whatsoever money would be lent to him at interest: for he had directed a grant to be prepared of several parks and forests, and other crown-lands, to many persons of honour and great fortune about him, whose estates and reputation were well known, who were ready to be personally bound for whatsoever sums could be borrowed.

167. The affection of the university of Oxon was most eminent: for as they had before, when the troubles first brake out, sent the King above ten thousand pounds out of the several stocks of the colleges and the purses of particular persons, many whereof lent him all they had; so they now again made him a new present[1]. By these means, and the loan of particular persons, especially from London, (for from thence, notwithstanding all the strict watch to the contrary, considerable sums were drawn,) the King, even above his hopes, was able to pay his foot, (albeit it amounted to above three thousand pounds weekly,) in such manner that during that whole winter there was not the least disorder for want of pay. Then he used all possible care to encourage and countenance new levies of horse and foot, for the recruiting his army against the next spring.

168. The army being now about London, the members of it who were members of Parliament attended that council diligently, upon which the army alone depended; and though they still seemed very desirous of peace, they very solemnly and severely prosecuted all those who really endeavoured it. Their

[1] [The words 'so—present' are substituted in the MS. for the following:—'so now they presented to him all the plate belonging to all their corporations, which being coined (for a mint was shortly erected there) amounted to about ten thousand pounds.']

1642 partiality and injustice was so notorious, that there was no rule or measure of right in any matter depending before them, but consideration only of the affections and opinions of the persons contending; neither could anything be more properly said of them than what Tacitus once spake of the Jews, *Apud ipsos fides obstinata, misericordia in promptu, adversus omnes alios hostile odium*[1]. Volumes would not contain the instances. But they found their old arguments, of Popery, the militia, and delinquents, for the justification of the war, grew every day of less reverence with the people; and that as the King's own religion was above any scandal they could lay upon it, so the regal power seemed so asserted by law, and the King on all occasions cited particular statutes for the vindication of his right, that whilst they confessed the sovereign power to be vested in him, all legal ministers had that dependence on him that their authority would by degrees grow into contempt.

169. And of this disadvantage the season of the year put them in mind: for the King now, according to course, pricked shrieves, and made such choice in all counties that they foresaw the people were not like to be so implicitly at their disposal. Therefore, as they had before craftily insinuated the same in some particulars, they now barefaced avow, that the sovereign power was wholly and entirely in them, and that the King himself, severed from them, had no regal power in him. Their clergy had hitherto been their champions, and wrested the Scripture to their sense; their lawyers were now to vindicate their title, and they were not more modest in applying their profession to their service. As all places of Scripture, or in the Fathers, which were spoken of the Church of Christ, are by the Papists applied to the Church of Rome, so whatsoever is written in any of the books of the law, or mentioned in the records, of the authority and effects of the sovereign power, and of the dignity and jurisdiction of Parliament, was by these men alleged and urged for the power of the two Houses, and sometimes for the single authority of the House of Commons. Being supplied with the learning of these gentlemen, they declared that the shrieves then constituted by the King, were not legal shrieves,

[1] [*Hist.* lib. v. cap. 5.]

nor ought to execute, or be submitted to in, that office; and ordered whomsoever the King made shrieve in any county to be sent for as a delinquent: and because it seemed unreasonable that the counties should be without that legal minister to whom the law had intrusted its custody, it was proposed that they might make a new Great Seal, and by that authority make shrieves and such other officers as they should find necessary; but for the present that motion was laid aside. 1642 Nov. 28.

170. The King had appointed some of those prisoners who were taken in the battle at Keinton-field, and others apprehended in the act of rebellion, to be indicted of high treason, upon the statute of the 25th year of King Edward the Third, before the Lord Chief Justice, and other learned judges of the law, by virtue of his majesty's commission of oyer and terminer. They declared all such indictments, and all proceedings thereupon, to be unjust and illegal, and inhibited the judges to proceed farther therein; declaring, (which was a stronger argument,) that if any man were executed, or suffered hurt, for any thing he had done by their order, the like punishment should be inflicted, by death or otherwise, upon such prisoners as were or should be taken by their forces: and in none of these cases ever asked the judges what the law was. Dec. 6. Dec. 17.

171. By the determination of the statute, and the King's refusal, (which hath been mentioned before,) to pass any new law to that purpose, there was no farther duty of tonnage and poundage due upon merchandise, and the statute, made this very Parliament, involved all men in the guilt and penalty of a *præmunire* who offered to receive it. The King published a proclamation upon that statute, and required all men to forbear paying that duty, and forbid all to receive it. They again declared, 'that no person who received those duties by virtue of their orders was within the danger of a *præmunire*, or any other penalty whatsoever; because the intent and meaning of that penal clause was only to restrain the Crown from imposing any duty or payment upon the subjects without their consent in Parliament, and was not intended to extend to any case whereunto the Lords and Commons give their assent in Parliament.' Dec. 16. Dec. 31.

1642 172. And that this sovereignty might be farther taken notice of than within the limits of this kingdom, they sent, with all formality, letters of credence, and instructions, and their agents, into foreign states and kingdoms.

173. By their agent to the United Provinces, where the Aug. 22. Queen was then residing, they had the courage in plain terms to accuse the prince of Aurange for supplying the King with arms and ammunition; for licensing divers commanders, officers, and soldiers to resort into this kingdom to his aid. They remembered them,

'of the great help that they had received from this kingdom when heretofore they lay under the heavy oppression of their princes, and how conducible the friendship of this nation had been to their present greatness and power; and therefore they could not think that they would be forward to help to make them slaves who had been so useful and assistant in making them freemen, or that they would forget that their troubles and dangers issued from the same fountain with their own, and that those who were set awork to undermine religion and liberty in the kingdom were the same who by open force did seek to bereave them of both.' They told them, 'it could not be unknown to that wise State, that it was the Jesuitical faction in this kingdom that had corrupted the counsels of the King, the consciences of a great part of the clergy, which sought to destroy the Parliament, and had raised the rebellion in Ireland. They desired them therefore not to suffer any more ordnance, armour, or any other warlike provision, to be brought over to strengthen those, who, as soon as they should prevail against the Parliament, would use that strength to the ruin of those from whom they had it.'

174. They desired them, 'they would not send over any of their countrymen to further their destruction who were sent to them for their preservation; that they would not anticipate the spilling of English blood in an unnatural civil war, which had been so cheerfully and plentifully hazarded and spent in that just and honourable war by which they had been so long preserved, and to which the blood of those persons, and many other subjects of this kingdom, was still in a manner dedicated; but rather that they would cashier, and discard from their employment, those that would presume to come over for that purpose.' They told them, 'the question between his majesty and the Parliament was not whether he should enjoy the same prerogative and power which had belonged to their former kings, his majesty's royal predecessors, but whether that prerogative and power should be employed to their defence or to their ruin; that it could not be denied by those who look indifferently on their proceedings and affairs, that it would be more honour and wealth, safety and greatness, to his majesty in concurring with his Parliament than in the course in which he now is: but so unhappy had his majesty and the kingdom been in those who had the greatest influence upon his counsels, that they looked more upon the prevailing of their own party than upon any those great advant-

ages both to his crown and royal person which he might obtain by joining 1642
with his people. And so cunning were those factors for Popery in prosecution of their own aims, that they could put on a counterfeit visage of honour, peace, and greatness, upon those courses and counsels which had no truth and reality, but of weakness, dishonour, and miseries to his majesty and the whole kingdom.'

175. They said, 'They had lately expressed their earnest inclinations to that national love and amity with the United Provinces, which had been nourished and confirmed by so many civil respects and mutual interests, as made it so natural to them, that they had, this Parliament, in their humble petition, desired that they might be joined with that State in a more near and strait league and union: and they could not but expect some returns from them of the like expressions, and that they would be [so] far from blowing the fire which began to kindle amongst them that they would rather endeavour to quench it, by strengthening and encouraging them who had no other design but not to be destroyed, and to preserve their religion, save themselves, and the other reformed churches of Christendom, from the massacres and extirpations with which the principles of the Roman religion did threaten them all; which were begun to be acted in Ireland, and, in the hopes, endeavours, and intentions, of that party, had long since been executed upon them, if the mercy, favour, and blessing of Almighty God had not superabounded, and prevented the subtlety and malignity of cruel, wicked, and bloodthirsty men.'

176. With this specious despatch, in which were many other particulars to render the King's cause ungracious and their own very plausible, their agent, (one Strickland, an obscure gentleman,) was received by the States, and, notwithstanding the Queen was then there, and the prince of Aurange visibly inclined to assist the King with all his interests, and the interposition of the King's resident, did not only hinder the States from giving the least countenance to the King's cause, but really so corrupted the English in the army and in the Court, that there was nothing designed to advance it by the prince of Aurange himself, (who with great generosity supplied the King with arms and ammunition to a very considerable value,) or by the private activity and dexterity of particular persons, out of their own fortune or by the sale or pawning of jewels, but intelligence was given soon enough to the Parliament, either to get stops and seizures upon it by order of the State, or to intercept the supply by their navy at sea. So that much more was in that manner and by that means taken and intercepted at sea than ever arrived at any port within his majesty's obedience;

1642 of which at that time he had only one, the harbour of Newcastle. With the same success they sent another agent to Bruxells, who prevailed with don Francisco de Melos, then governor of Flanders, to discountenance always, and sometimes prevent, the preparations which were there making by the King's ministers. And in France they had another agent, one Aulgier, a man long before in the constant pay of the Crown; who, though he was not received and avowed, (to put the better varnish upon their professions to the King,) by that Crown, did them more service than either of the other, by how much more that people had an influence upon the distempers of the three kingdoms.

177[1]. And as the Parliament made all these addresses to foreign States and Princes, which no Parliament had ever done before, so it will be fit here to take notice how other Princes appeared concerned on the King's behalf. The Spaniard was sufficiently incensed by the King's reception of the ambassadors of Portugal, and, which was more, entering into terms of amity and league with that Crown, and had therefore contributed notable assistance to the rebellion in Ireland, and sent both arms and money thither. And since the extravagances of this Parliament, the ambassador of that King had made great application to them.

178. The French, according to their nature, were much more active, and more intent upon blowing the fire. The former commotions in Scotland had been raised by the especial encouragement, if not contrivance, of the cardinal Richelieu, who had carefully kept up and enlarged the old franchises of the Scots under that Crown; which made a very specious show of wonderful grace and benefit, at a distance, to that nation, and was of little burden to the French, and, in truth, of little advantage to those who were in full possession of all the relations. Yet, by this means, the French have always had a very great influence upon the affections of that people, and opportunities to work great prejudice to that Crown: as nothing was more visible than [that] by that cardinal's activity all those late distempers in Scotland were carried on till his death, and by his

[1] [The following nine sections are inserted here from the end of book v, pp. 259–261 in the MS., where they are marked for transposition.]

rules and principles afterwards: the French ministers always making their correspondence with, and relation to, those who were taken notice to be of the Puritan party, which was understood to be in order only to the opposition of those counsels which should at any time be offered on the behoof of Spain. 1642

179. Since the beginning of this Parliament, the French ambassador, monsieur Le Ferté, dissembled not to have very notable familiarity with those who governed most in the two Houses, discovered to them whatsoever he knew, or could reasonably devise, to the prejudice of the King's counsels and resolutions, and took all opportunities to lessen and undervalue the King's regal power, by applying himself on public occasions of state, and in his master's name and to improve his interest, to the two Houses of Parliament, (which had in no age before been ever known); as in the business of transportation of men out of Ireland, before remembered [1], in which he caused, by the importunity of the two Houses, his majesty's promise and engagement to the Spanish ambassador to be rendered of no effect. And after that, he formally exhibited in writing a complaint to May 11. the two Houses against sir Thomas Row, his majesty's extraordinary ambassador to the Emperor and Princes of Germany, upon the treaty of an accommodation on the behalf of the Prince Elector and restitution of the Palatinate, confidently avowing that sir Thomas Row had offered, on the King's part, to enter into a league offensive and defensive with the house of Austria, and to wed all their interests, and in plain terms asked them whether they had given him instructions to that purpose, expressing a great value his master had of the affection of the Parliament of England; which drew them to a return of much and unusual civility, and to assure the French King that sir Thomas Row had no such instructions from them, and that they would examine the truth of it, and would be careful that nothing should be done and perfected in that treaty which might reflect upon the good of the French King. Whereas in truth there was not the least ground or pretence for that suggestion, sir Thomas Row having never made such offer, or any thing like it.

[1] [Book iii, § 252; iv, § 6.]

1642 And when after his return out of Germany he expostulated with the French ambassador for such an injurious, causeless information, he answered, 'that sure his master had received such advertisement, and had given him order to do what he did.' So that it easily appeared it was only a fiction of state, whereby they took occasion to publish that they would on any occasion resort to the two Houses, and thereby to flatter them in their usurpation of any sovereign authority.

180. Besides these indirect artifices and activity in the French ambassador, the Huguenots in France (with whom this Crown heretofore, it may be, kept too much correspondence) were declared enemies to the King, and, in public and in secret, gave all possible assistance to those whose business was to destroy the Church. And as this animosity proved of unspeakable inconvenience and damage to the King throughout all these troubles, and of equal benefit to his enemies, so the occasion from whence those disaffections grew was very unskilfully and imprudently administered by the State here, not to speak of the business of Rochelle, which, though it stuck deep in all, yet most imputed the counsels of that time to men that were dead, and not to a fixed design of the Court; but they had a greater quarrel, which made them believe that their very religion was persecuted by the Church of England.

181. When the Reformation of religion first began in England in the time of King Edward the Sixth, very many out of Germany and France left their countries where the Reformation was severely persecuted, and transplanted themselves, their families, and estates, into England, where they were received very hospitably; and that King, with great piety and policy, by several acts of state, granted them many indemnities, and the free use of churches in London for the exercise of their religion: whereby the number of them increased, and the benefit to the kingdom by such an access of trade and improvement of manufactures was very considerable. The which Queen Elizabeth finding, and well knowing that other notable uses of them might be made, enlarged their privileges by new concessions, drawing by all means greater numbers over, and suffering them to erect

churches and to enjoy the exercise of their religion after their 1642
own manner and according to their own ceremonies, in all places where for the conveniency of their trade they chose to reside. And so they had churches in Norwich, Canterbury, and other places of the kingdom as well as in London, whereby the wealth of those places marvellously increased. And, besides the benefit from thence, the Queen made use of them in her great transactions of state in France and the Low Countries, and by the mediation and interposition of those people kept a useful interest in that party in all the foreign dominions where they were tolerated. The same charters of liberty were continued and granted to them during the peaceable reign of King James, and in the beginning of this King's reign, although, it may be, the politic considerations in those concessions and connivances were neither made use of nor understood.

182. Some few years before these troubles, when the power of churchmen grew most transcendent, and indeed the faculties and understandings of the lay councillors more dull, lazy, and unactive, (for, without the last, the first could have done no hurt,) the bishops grew jealous that the countenancing another discipline of the Church here by order of the State, (for those foreign congregations were governed by a presbytery, according to the custom and constitution of those parts of which they had been natives; for the French, Dutch, and Walloons had the free use of several churches according to their own discipline,) would at least diminish the reputation and dignity of the episcopal government, and give some hope and countenance to the factious and schismatical party in England to hope for such a toleration. Then there wanted not some fiery, turbulent, and contentious persons of the same congregations, who upon private differences and contests were ready to inform against their brethren, and to discover what they thought might prove of most prejudice to them.

183. So that, upon pretence that they far exceeded the liberties which were granted to them, and that under the notion of foreigners many English separated themselves from the Church and joined themselves to those congregations, (which possibly

1642 was in part true,) the Council-board connived, or interposed not, that the bishops did some acts of restraint with which that tribe grew generally discontented, and thought the liberty of their consciences to be taken from them. And so in London there was much complaining of this kind; but much more in the diocese of Norwich, where Dr. Wren, the bishop there, passionately and furiously proceeded against them, that many[1] left the kingdom, to the lessening the wealthy manufacture there of carseys [kerseys] and narrow cloths, and, which was worse, transporting that mystery into foreign parts.

184. And that this might be sure to look like more than what was necessary to the civil policy of the kingdom, whereas in all former times the ambassadors, and all foreign ministers of state employed from England into any parts where the reformed religion was exercised, frequented their churches, gave all possible countenance to their profession, and held correspondence with the most active and powerful persons of that relation, and, particularly, the ambassadors lieger at Paris from the time of the Reformation had diligently and constantly frequented the church at Charenton, and held a fair intercourse with those of that religion throughout the kingdom, (by which they had still received advantage, that people being industrious and active to get into the secrets of the State, and so deriving all necessary intelligence to those whom they desired to gratify,) the contrary [thereof[2]] was now with great industry practised, and some advertisements, if not instructions, given to the ambassadors there, to forbear any extraordinary commerce with that tribe. And the lord Skudimoure [Scudamore], who was the last ordinary ambassador there before the beginning of this Parliament, whether by the inclination of his own nature or by advice from others, not only declined going to Charenton, but furnished his own chapel in his house with such ornaments, (as candles upon the communion-table, and the like,) as gave great offence and umbrage to those of the Reformation, who had not seen the like: besides that he was careful to publish upon all occasions by himself, and those who had the nearest relation to

[1] ['thousands' struck out in the MS.] [2] ['whereof,' MS.]

him, that the Church of England looked not on the Huguenots as a part of their communion; which was likewise too much and too industriously discoursed at home. 1642

185. They who committed the greatest errors this way had, no doubt, [not] the least thoughts of making any alterations in the Church of England, as hath been uncharitably conceived, but, having too just cause given them to dislike the passion and license that was taken by some persons in the reformed churches, under the notion of conscience and religion, to the disturbance of the peace of kingdoms, unskilfully believed that the total declining the interest of that party, where it exceeded the necessary bounds of reformation, would make this Church of England looked upon with more reverence; and that thereby the common adversary, the Papist, would abate somewhat of his arrogance and superciliousness; and so all parties, piously considering the charity which religion should beget, might, if not unite yet, refrain from the bitterness and uncharitableness of contention in matters of opinion, severed from the practical duty of Christians and subjects. And so, contracting their considerations in too narrow a compass, [they] contented themselves with their pious intentions, without duly weighing objections or the circumstances of policy. And they who differed with them in opinion, though they were in the right, not giving, and it may be not knowing, the right reasons, rather confirmed than reformed them in their inclinations: neither of them discerning the true and substantial grounds of policy upon which those conclusions had been founded which they were now about to change. And so the Church of England, not giving the same countenance to those of the religion in foreign parts which it had formerly done, no sooner was discerned to be under a cloud at home, but those of the religion abroad were glad of the occasion to publish their malice against her, and to enter into the same conspiracy against the Crown, without which they could have done little hurt to the Church[1].

[1] ['And so—hurt the Church.' This passage is substituted in the MS. for the following:—

'It were therefore to be wished that in all great acts of State some

1642 186[1]. There is not a sadder consideration (and I pray God the almighty justice be not angry with and weary of the government by kings and princes, for it is a strange declension monarchy is fallen to in the opinion of the common people within these late years) than this passion and injustice in Christian princes, that they are not so solicitous that the laws be executed, justice administered, and order preserved, within their own kingdoms, as they are that all three may be disturbed and confounded amongst their neighbours. And therefore there is no sooner a spark of dissension, a discomposure in affections, a jealousy in understandings, discerned to be [in], or to be easy to be infused into, a neighbour province or kingdom, to the hazarding of the peace thereof, but they, (though in league and amity,) with their utmost art and industry make it their business to kindle that spark into a flame, and to contract and ripen all unsettled humours and jealous apprehensions into a peremptory discontent, and all discontent to sedition, and all sedition to open and professed rebellion; and have never so ample satisfaction in their own greatness, or so great a sense and value of God's blessing upon them, as when they have been instruments of drawing some notorious calamity upon their neighbours, as if the religion of princes were nothing but policy enough to make all other kingdoms but their own miserable, and that, because God hath reserved them to be tried only within his own jurisdiction and before his own tribunal, that he means to try them too by other laws and rules than he hath published to the world for his servants to walk by. Whereas they ought to consider that God hath placed them over his people as examples, and to give countenance to his laws by their own strict observation of them; and that as their subjects are

memorials should be kept, and always reserved in archives of the Crown, of the true motives and grounds of such acts, (which are seldom the same that appear publicly;) whereby posterity may duly discern, before any alteration or revocation, the policy thereof, and so take heed that that may not be looked upon as indifferent which, rightly understood, is of a substantial consideration.']

[1] [This section is plainly marked in the MS. for insertion here, but has been interposed in the previous editions as in the original press-copy between §§ 179 and 180, from an idea of better connection with the context.]

to be defended and protected by them, so themselves are to be assisted and supported by one another, the function of kings being a *classis* by itself: and as a contempt and breach of every law is in the policy of States an offence against the person of the king, because there is a kind of violence offered to his person in the transgression of that rule without which he cannot govern, so the rebellion of subjects against their prince ought to be looked upon by all other kings as an assault of their own sovereignty, and a design against monarchy itself, and consequently to be suppressed and extirpated in what other kingdom soever it is with the same concernment as if it were in their own bowels. 1642

187. After all discourses and motions for peace were for a time laid aside, and new thoughts of victory and utterly subduing the King's party again entertained, they found one trouble falling upon them which they had least suspected, want of money; all their vast sums collected upon any former bills passed by the King for the relief of Ireland and payment of the debt to the Scots, and all their money upon subscriptions of plate and loans upon the public faith, (which amounted to incredible proportions,) were even quite wasted, and their constant expense was so great that no ordinary supply would serve their turn; and they easily discerned that their money only, and not their cause, procured them soldiers of all kinds, and that they could never support their power if their power was not able to supply them. All voluntary loans were at an end, and the public faith thought a security not to be relied on; by how much greater the difficulty was, by so much the more fatal would the sinking under it prove; and therefore it was with the more vigour to be resisted. In the end, they resolved upon the full execution of their full sovereign power, and to let the people see what they might trust to; in which it is necessary to observe the arts and degrees of their motion. They first ordered,

Nov. 29.

188. 'That committees should be named in all counties, to take care for provisions of victuals for the army, and also for the taking up of horses for service in the field, dragooners and draught horses, and for borrowing of money and plate to supply the army: and upon a certificate from these

1642 committees,' (who had power to set what value or rates they pleased upon these provisions of any kind,) 'the same should be entered with their treasurer, who should hereafter repay the same.'

It was then alleged, that this would only draw supplies from their friends and the well affected; and that others, who either liked not their proceedings or loved their money better than the liberty of their country, would not contribute. Upon this it was ordered

'That in case the owners refused to bring in money, provisions, plate, and horse, upon the public faith, for the use of the army; for the better preventing the spoil and embezzling of such provisions of money, plate, and horses, by the disorder of the soldiers, and that they may not come into the hands of the enemies, that the committees, or any two of them, should be authorized and enabled to send for such provisions, money, plate, and horses, and to take the same into their custody, and to set indifferent value and rate upon them; which value they should certify to the treasurers for the propositions, to be repaid at such time and in such manner as should be ordered by both Houses of Parliament.'

189. This was done only to shew what they meant to do over all England, and as a stock of credit to them; for at present it would neither supply their wants, neither was it seasonable for them, or indeed possible, to endeavour the execution of it in many counties. London was the place from whence only their
Nov. 26. present help must come. To them therefore they declared, that

190. 'The King's army had made divers assessments upon several counties, and the subjects were compelled by the soldiers to pay the same; which army, if it continued, would soon ruin and waste the whole kingdom, and overthrow religion, law, and liberty: that there was no probable way, under God, for the suppressing that army and other ill affected persons but by the army raised by the authority of the Parliament, which army could not be maintained without great sums of money; and for raising such sums there could be no act of Parliament passed with his majesty's assent, albeit there was great justice that such money should be raised: that hitherto the army had been for the most part maintained by the voluntary contributions of well affected people, who had freely contributed according to their abilities: that there were divers others within the cities of London and Westminster, and the suburbs, that had not contributed at all towards the maintenance of that army, or if they had, yet not answerable to their estates; who notwithstanding received benefit and protection by the same army, as well as any others; and therefore it was most just that they should, as well as others, be charged to contribute to the maintenance thereof.'

191. Upon these grounds and reasons it was ordained, 1642 Nov. 26.

'by the authority of Parliament, that Isaac Pennington, the then lord mayor of London,' and some other aldermen and citizens, 'or any four of them, should have power and authority to nominate and appoint in every ward within the city of London six such persons as they should think fit, who should have power to enquire of all who had not contributed upon the propositions concerning the raising of money, plate, &c. and of such able men who had contributed, yet not according to their estates and abilities; and those persons so substituted, or any four of them, within their several wards and limits, should have power to assess all persons of ability who had not contributed, and also those who had contributed, yet not according to their ability, to pay such sums of money, according to their estates, as the assessors, or any four of them, should think reasonable, so as the same exceeded not the twentieth part of their estates; and to nominate fit persons for the collection thereof. And if any person so assessed should refuse to pay the money so assessed upon him, it should be lawful for the assessors and collectors to levy that sum by way of distress and sale of the goods of persons so refusing. And if any person distrained should make resistance, it should be lawful for the assessors and collectors to call to their assistance any of the train-bands of London, or any other his majesty's subjects; who were required to be aiding and assisting to them. And the burgesses of Westminster and Southwark, and a committee appointed to that purpose, were to do the same within those limits as the other in London.'

192. And that there might be no stratagem to avoid this tax, (so strange and unlooked for,) by a second ordinance in explanation of the former, they ordained, that, Nov. 29.

193. 'If no sufficient distress could be found for the payment of what should be assessed, the collectors should have power to enquire of any sum of money due to those persons so assessed, from what persons soever, for rents, goods, or debts, or for any other thing or cause whatsoever. And the collectors had power to receive all such debts, until the full value of the sums so assessed, and the charges in levying or recovering the same, should be satisfied. And lest the discovery of those debts might be difficult, the same collectors had power to compound for any rents, goods, or debts, due to such persons so assessed, with any person by whom the same was due, and to give full discharges for the money so compounded for, which should be good and effectual to all purposes. And if the money assessed could not be levied by any of these ways, then the persons assessed should be imprisoned in such places of the kingdom, and for so long time, as the committee of the House of Commons for examinations should appoint and order; and the families of all such persons so imprisoned should no longer remain within the cities of London or Westminster, the suburbs, or the counties adjacent. And all assessors and collectors should have the protection of both Houses of Parliament for their indemnity in that service, and receive allowance for their pains and charges.'

194. Several additional and explanatory orders they made for

1642 the better execution of this grand one, by every of which some clause of severity and monstrous irregularity was added; and, Dec. 15, 16. for the complement of all, they ordered that themselves, the members of either House, should not be assessed by any body [1].

195. The truth is, the King was not sorry to see this ordinance, which he thought so prodigious, that he should have been a greater gainer by it than they that made it; which he thought so palpable and clear a demonstration of the tyranny the people were to live under, that they would easily have discerned the change of their condition: yet he took so much pains to awaken his subjects to a due apprehension of it, and to apply the through consideration of it to them, that he Dec. 8. published a Declaration upon that ordinance; the which, presenting many things to them which have since fallen out, may be in this place fit to be inserted in the King's own words, which were these:—

196. 'It would not be believed, (at least great pains have been taken that it might not,) that the pretended ordinance of the militia, (the first attempt that ever was to make a law by ordinance without our consent,) or the keeping us out of Hull, and taking our arms and ammunition from us, could any way concern the interest, property, or liberty of the subject: and it was confessed, by that desperate Declaration itself of the 26th of May, that if they were found guilty of that charge of destroying the title and interest of our subjects to their lands and goods, it were indeed a very great crime. But it was a strange fatal lethargy which had seized our good people, and kept them from discerning that the nobility, gentry, and commonalty of England were not only stripped of their preeminence and privileges, but of their liberties and estates, when our just rights were denied us; and that no subject could from thenceforth expect to dwell at home, when we were driven from our houses and our towns. It was not possible that a commission could be granted to the earl of Essex to raise an army against us, and, for the safety of our person and preservation of the peace of the kingdom, to pursue, kill, and slay us, and all who wish well to us, but that in a short time inferior commanders, by the same authority, would require our good subjects, for the maintenance of the property of the subject, to supply them with such sums of money as they think fit, upon the penalty of being plundered with all extremity of war, (as the style of sir Edward Bainton's warrant runs against our poor subjects in Wiltshire,) and by such rules of unlimited arbitrary power as are inconsistent with the least pretence or shadow of that property it would seem to defend.

197. 'If there could be yet any understanding so unskilful and supine to

[1] [but that 'the members of either House shall be assessed by that House whereof they are members.']

believe that these disturbers of the public peace do intend any thing but a general confusion, they have brought them a sad argument to their own doors to convince them. After this ordinance and declaration, it is not in any sober man's power to believe himself to be worth any thing, or that there is such a thing as law, liberty, property, left in England under the jurisdiction of these men. And the same power that robs them now of the twentieth part of their estates hath by that but made a claim and entitled itself to the other nineteen, when it shall be thought fit to hasten the general ruin. Sure, if the minds of all men be not stubbornly prepared for servitude, they will look on this ordinance as the greatest prodigy of arbitrary power and tyranny that any age hath brought forth in any kingdom. Other grievances (and the greatest) have been conceived intolerable rather by the logic and consequence than by the pressure itself: this at once sweeps away all that the wisdom and justice of Parliaments have provided for them. Is their property in their estates, (so carefully looked to by their ancestors, and so amply established by us against any possibility of invasion from the Crown,) which makes the meanest subject as much a lord of his own as the greatest peer, to be valued, or considered? Here is a twentieth part of every man's estate, (or so much as four men will please to call the twentieth part,) taken away at once, and yet a power left to take a twentieth still of that which remains; and this to be levied by such circumstances of severity as no Act of Parliament ever consented to. 1642

198. 'Is their liberty, which distinguishes subjects from slaves, and in which this freeborn nation hath the advantage of all Christendom, dear to them? They shall not only be imprisoned in such places of this kingdom, (a latitude of judgment no court can challenge to itself in any cases,) but for so long time, as the committee of the House of Commons for examination shall appoint and order: the House of Commons itself having never assumed, or in the least degree pretended to, a power of judicature; having no more authority to administer an oath, (the only way to discover and find out the truth of facts,) than to cut off the heads of any of our subjects: and this committee being so far from being a part of the Parliament, that it is destructive to the whole, by usurping to itself all the power of King, Lords, and Commons. All who know any thing of Parliaments know that a committee of either House ought not, by the law, to publish their own results; neither are their conclusions of any force without the confirmation of the House, which hath the same power of controlling them as if the matter had never been debated. But that any committee should be so contracted, (as this 'of examination,' a style no committee ever bore before this Parliament,) as to exclude the members of the House who are equally trusted by their country from being present at the councils, is so monstrous to the privileges of Parliament, that it is no more in the power of any man to give up that freedom, than of himself to order, that from that time the place for which he serves shall never more send a knight or burgess to the Parliament; and in truth is no less than to alter the whole frame of government, to pull up Parliaments by the roots, and to commit the lives, liberties, and estates of all the people of England to the arbitrary power of a few unqualified persons, who shall dispose thereof according to their discretion, without account to any rule or authority whatsoever.

1642 199. 'Are their friends, their wives, and children, (the greatest blessings of peace, and comforts of life,) precious to them? Would their penury and imprisonment be less grievous by those cordials? They shall be divorced from them, banished, and shall no longer remain within the cities of London and Westminster, the suburbs and the counties adjacent; and how far those adjacent counties shall extend no man knows. Is there now any thing left to enjoy but the liberty to rebel and destroy one another? Are the outward blessings only of peace, property, and liberty taken and forced from our subjects? Are their consciences free and unassaulted by the violence of these firebrands? Sure the liberty and freedom of conscience cannot suffer by these men. Alas! all these punishments are imposed upon them, because they will not submit to actions contrary to their natural loyalty, to their oaths of allegiance and supremacy, and to their late voluntary Protestation, which obliges them to the care of our person and our just rights.

200. 'How many persons of honour, quality, and reputation, of the several counties of England, are now imprisoned, without any objections against them but suspicion of their loyalty! How many of the gravest and most substantial citizens of London, by whom the government and discipline of that city was preserved, are disgraced, robbed, and imprisoned, without any process of law, or colour of accusation but of obedience to the law and government of the kingdom, whilst Anabaptists and Brownists, with the assistance of vicious and debauched persons of desperate fortunes, take upon them to break up and rifle houses, as public and avowed ministers of a new-invented authority! How many godly, pious, and painful divines, whose lives and learning hath made them of reverend estimation, are now slandered with inclination to Popery, discountenanced and imprisoned, for discharging their consciences, instructing the people in the Christian duty of religion and obedience, whilst schismatical, illiterate, and scandalous preachers fill the pulpits and churches with blasphemy, irreverence, and treason, and incite their auditory to nothing but murder and rebellion!

201. 'We pass over the vulgar charm by which they have captivated such who have been contented to dispense with their consciences for the preservation of their estates, and by which they persuade men cheerfully to part with this twentieth part of their estates to the good work in hand. For whosoever will give what he hath may escape robbing. They shall be repaid upon the public faith, as all other moneys lent upon the propositions of both Houses. It may be so. But men must be condemned to a strange unthriftiness who will lend upon such security. The public faith indeed is as great an earnest as the State can give, and engages the honour, reputation, and honesty of the nation, and is the act of the kingdom: 'tis the security of the King, the Lords, and Commons, which can never need an executor, can never die, never be bankrupt; and therefore we willingly consented to it for the indemnity of our good subjects of Scotland, (who, we hope, will not think the worse of it for being so often and so cheaply mentioned since). But that a vote of one or both Houses should be an engagement upon the public faith is as impossible as that the committee of the House of Commons for examinations should be the High Court of Parliament.

202. 'And what is or can be said, with the least shadow of reason, to justify these extravagances? We have not lately heard of the fundamental laws, which used to warrant the innovations: these need a refuge even below those foundations. They will say, they cannot manage their great undertakings without such extraordinary ways. We think so too. But that proves only, they have undertaken somewhat they ought not to undertake, not that it is lawful for them to do any thing that is convenient for those ends. We remembered them long ago, and we cannot do it too often, of that excellent speech of Mr. Pym's: *The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will be in a confusion; every man will become a law unto himself; which* [*in*[1]] *the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law, covetousness and ambition will become laws; and what dictates, what decision, such laws will produce, may easily be discerned.* It may indeed, by the sad instances over the whole kingdom! 1642

203. 'But will posterity believe that in the same Parliament this doctrine was avowed with that acclamation, and these instances after produced? That in the same Parliament such care was taken that no man should be committed in what case soever without the ca[u]se of his imprisonment expressed, and that all men should be immediately bailed in all cases bailable; and, during the same Parliament, that alderman Pennington, or indeed any body else, (but the sworn ministers of justice,) should imprison whom they would, and for what they would, and for as long time as they would? That the King should be reproached with breach of privilege, for accusing sir John Hotham of high treason, when with force of arms he kept him out of Hull and despised him to his face, because in no case a member of either House might be committed or accused without leave of that House of which he is a member; and yet that during the same Parliament the same alderman shall commit the earl of Middlesex, a peer of the realm, and the lord Buckhurst, a member of the House of Commons, to the Counter without reprehension? That to be a *traitor*, which is defined, and every man understands, should be no crime; and to be called *malignant*, which nobody knows the meaning of, should be ground enough for close imprisonment? That a law should be made, that whosoever should presume to take tonnage and poundage without an Act of Parliament, should incur the penalty of a *præmunire*; and, in the same Parliament, that the same imposition should be laid upon our subjects, and taken by order of both Houses, without and against our consent? Lastly, that, in the same Parliament, a law should be made to declare the proceedings and judgment upon ship-money to be illegal and void; and during that Parliament, that an order of both Houses shall, upon pretence of necessity, enable four men to take away the twentieth part of their estates from all their neighbours, according to their discretion?

204. 'But our good subjects will no longer look upon these and the like results as upon the counsels and conclusions of both our Houses of Parliament; (though all the world knows, even that authority can never justify things unwarrantable by the law). They well know how few of the persons

[1] ['*as*,' MS.]

1642 trusted by them are trusted at their consultations; of [above [1]] 500 of the Commons not 80, and of the House of Peers not a fifth part: that they who are present enjoy not the privilege and freedom of Parliament, but are besieged by an army, and awed, by the same tumults which drave us and their fellow members from thence, to consent to what some few seditious, schismatical persons amongst them do propose. These are the men, who, joining with the Anabaptists and Brownists of London, first changed the government and discipline of that city, and now, by the pride and power of that city, would undo the kingdom: whilst their lord mayor, a person accused and known to be guilty of high treason, by a new legislative power of his own, suppresses and reviles the Book of Common Prayer, robs and imprisons whom he thinks fit, and, with the rabble of his faction, gives laws to both Houses of Parliament, and tells them, *They will have no accommodation*: whilst the members sent and intrusted by their countries are expelled the House, or committed, for refusing to take the oath of
Dec. 3. association to live and die with the earl of Essex, as very lately sir Sidney Mountague. These are the men who have presumed to send ambassadors, and to enter into treaties with foreign states in their own behalfs, having at this time an agent of their own with the States of Holland, to negociate for them upon private instructions. These are [the] men who, not thinking they have yet brought mischief enough unto this kingdom, at this time invite and solicit our subjects of Scotland, to enter this land with an army against us. In a word, these are the men who have made this last devouring ordinance to take away all law, liberty, and property from our people, and have by it really acted that upon our people which, with infinite malice and no colour or ground, was laboured to be infused into them to have been our intention by the commissions of array.

205. 'We have done. What power and authority these men have, or will have, we know not: for ourself, we challenge none such. We look upon the pressures and inconveniences our good subjects bear, even by us and our army, (which the army raised by them enforced us to levy in our defence, and their refusal of all offers and desires of treaty enforceth us to keep,) with very much sadness of heart. We are so far from requiring a twentieth part of their estates, (though for their own visible preservation,) that, as we have already sold or pawned our own jewels and coined our own plate, so we are willing to sell all our own lands and houses for their relief: yet we do not doubt but our good subjects will seriously consider our condition and their own duties, and think our readiness to protect them with the utmost hazard of our life deserves their readiness to assist us with some part of their fortunes; and, whilst other men give a twentieth part of their estates to enable them to forfeit the other nineteen, that they will extend themselves to us in a liberal and free proportion, for the preservation of the rest, and for the maintenance of God's true religion, the laws of the land, the liberty of the subject, and the safety and very being of Parliaments and this kingdom: for if all these ever were or can be in manifest danger, it is now in this present rebellion against us.

[1] [So in the printed Declaration; and so written at first in the MS., but altered by Clarendon himself to 'about.']

206. 'Lastly, we will and require all our loving subjects, of what degree 1642
or quality soever, as they will answer it to God, to us, and to posterity, by their oaths of allegiance and supremacy; as they would not be looked upon now, and remembered hereafter, as betrayers of the laws and liberties they were born to; that they in no degree submit to this wild pretended ordinance, and that they presume not to give any encouragement or assistance to the army now in rebellion against us; which if notwithstanding they shall do, they must expect from us the severest punishment the law can inflict, and a perpetual infamy with all good men.'

207. Whatsoever every man could say to another against that ordinance, and whatsoever the King said to them all against it, it did bring in a great supply of money, and gave them a stock of credit to borrow more; so that the army was again drawn out, though but to winter quarters, twenty miles from London, and the earl of Essex fixed his head quarters at Windsor, to straiten the King's new garrison at Reading, and sent strong parties still abroad, which got as much ground as at that time of the year could reasonably be expected; that is, brought those adjacent counties entirely under the obedience of the Parliament, which would at least have kept themselves neutral: and still persuaded the people that their work was even at an end, and that the King's forces would be swallowed up in a very short time: so that there was no day in which they did not publish themselves to have obtained some notable victory, or taken some town, when in truth either party wisely abstained from disturbing the other. Yet the bulk of their supply came only from the city of London. For though their ordinances extended over the whole kingdom, yet they had power to execute them only there; for it was not yet time to try the affections of all places within their own verge with the severe exercise of that authority.

208. And therefore divers of the wealthiest and most substantial citizens of London, observing liberty to be taken by all men to petition the Houses, and the multitude of the petitioners to carry great authority with them, and from those multitudes and that authority the brand to have been laid upon the city of being an enemy to peace, met together, and prepared a very modest and moderate petition to the Houses; in which they desired that such propositions and addresses might be made by

1642 them to his majesty that he might with his honour comply with them, and thereby a happy peace might ensue; the which, being signed by many thousand hands, was ready to be
Dec. 14. presented, but was rejected by the House of Commons[1], for no other reason publicly given but that it was prepared by a multitude; and objections were framed against the principal promoters of it upon other pretences of delinquency, that they were compelled to forsake the town; and so that party was for
Dec. 17. the present discountenanced. At the same time the inhabitants of Westminster, St. Martin's, and Covent-garden, (who always underwent the imputation of being well affected to the King,) prepared the like petition, and met with the same reproach, being strictly inhibited to approach the Houses with more than six in company.

209. This unequal kind of proceeding added nothing to their reputation, and they easily discerned those humours, thus obstructed, would break out the more violently: therefore they
Dec. 9. again resumed all professions of a desire of peace, and appointed a committee to prepare propositions to be sent to the King to that purpose. And because they found that would be a work of time, (for the reasons which will be anon remembered,) and that many arts were to be applied to the several affections, and to wipe out the imagination that the city desired peace upon any other terms than they did, and the disadvantages that accrued to them by such imagination, and also to stay the appetite of those who were importunate to have any advance made towards peace, having procured by the activity of their agents and ministers to have such a common-council chosen for the city as would undoubtedly comply with their desires and designs, they underhand directed their own mayor to engage that body in such a petition to his majesty as, carrying the sense and reputation of the whole city, might yet signify nothing to the prejudice
Dec. 19. of the two Houses; and so a petition was framed in the[se] words:—

[1] [And by the House of Lords, who, however, received it when presented by 'a small number' on Dec. 19. The Westminster petition was in like manner received on Dec. 20.]

210. To the King's most excellent majesty; 1642

The humble Petition of the Mayor, Aldermen, and Commons of the city of London,

'Sheweth,

'That the petitioners, your majesty's most humble and loyal subjects, being much pierced with the long and great divisions between your majesty and both your Houses of Parliament, and with the sad and bloody effects thereof both here and in Ireland, are yet more deeply wounded by the misapprehension which your majesty seemeth to entertain of the love and loyalty of this your city, as if there were some cause of fear, or suspicion of danger, to your royal person, if your majesty should return hither; and that this is made the unhappy bar[1] [to that blessed reconciliation with your great and most faithful Council] for preventing that desolation and destruction which is now most apparently imminent to your majesty and all your kingdoms.

211. 'For satisfaction therefore of your majesty, and clearing of the petitioners' innocency, they most humbly declare, (as formerly they have done,) that they are no way conscious of any disloyalty, but abhor all thoughts thereof; and that they are resolved to make good their late solemn Protestation and sacred vow made to Almighty God, and with the last drop of their dearest bloods to defend and maintain the true reformed Protestant religion, and, according to the duty of their allegiance, your majesty's royal person, honour, and estate, (whatsoever is maliciously and falsely suggested to your majesty to the contrary,) as well as the power and privilege of Parliament, and the lawful rights and liberties of the subject: and do hereby engage themselves, their estates, and all they have, to their uttermost power, to defend and preserve your majesty and both Houses of Parliament from all tumults, affronts, and violence, with as much loyalty, love, and duty, as ever citizens expressed towards your majesty, or any of your royal progenitors in their greatest glory.

212. 'The petitioners therefore, upon their bended knees, do most humbly beseech your majesty to return to your Parliament, (accompanied with your royal, not [your] martial attendance,) to the end that religion, laws, and liberties may be settled and secured, and whatsoever is amiss in Church and Commonwealth reformed by their advice, according to the fundamental constitutions of this kingdom: and that such a peace may thereby be obtained, as shall be for the glory of God, the honour and happiness of your majesty and posterity, and welfare of all your loyal subjects; who, the petitioners are fully assured, (whatsoever is given out to the contrary,) do unanimously desire the peace herein expressed.'

213. Though this petition was in effect no other than to desire the King to disband his army and to put himself into the absolute disposal of the Parliament, and therefore all wise men concluded that no great progress would be made by it towards peace, yet so sotted and infatuated were the people, that, upon

[1] ['let,' MS.]

1642 this very petition, they prevailed with the people to submit to another subscription for money and plate, for the necessary provision of arms, ammunition, and pay of their army, until their disbanding and return home to their several counties: that so they might not be occasioned, through want of pay, to plunder, rob, or pillage, by the way homewards, after their discharge and dismission. So that men were persuaded that this was now the last tax they should be invited to, though every one of those ordinances and declarations loaded the King with some new calumnies and reproaches, that it was plain the authors of them meant not so soon to put themselves under his subjection.

1643 Jan. 2. 214. This petition was about the tenth[1] of January, 1642[-3], presented to the King at Oxford, by some aldermen, and others of the Common Council, who were for the most part of moderate inclinations. The King considered sadly what answer to return; for, albeit it appeared that the petition had been craftily framed by those who had no thoughts of peace, and that there was no argument in it to hope any good from that people, yet there were, to vulgar understandings, very specious and popular professions of great piety and zeal to his service, and care of his security; and he was to be very tender in seeming to doubt the inclinations and affections of that city by whose strength alone the war was supported, and that strength procured by corrupting those affections: and therefore the King was not sorry to have this opportunity of saying somewhat, and communicating himself freely to the city, being persuaded that the ill they did proceeded rather from misinformation than any general and habitual malice in them. All his proclamations, messages, and declarations had been with so much industry suppressed there, that they were not in truth generally informed of the matter of fact and the justice of the King's cause; and therefore he was persuaded that if he enlarged himself in his answer to this petition, and exposed those few men who were most notoriously malignant against the government of the Church and State and who were generally known to be so, to the knowledge of the people, that it would at least lessen their power and ability to

[1] [On the 2nd of Jan.]

do hurt: and so he resolved to return an answer to them in these words:— 1643 Jan. 4.

215. 'That his majesty doth not entertain any misapprehension of the love and loyalty of his city of London. As he hath always expressed a singular regard and esteem of the affections of that city, and is still desirous to make it his chief place of residence, and to continue and renew many marks of his favour to it, so he believes much the better and greater part of that his city is full of love, duty, and loyalty to his majesty, and that the tumults which heretofore forced his majesty for his safety to leave that place, though they were contrived and encouraged by some principal members thereof, (who are since well known, though they are above the reach of justice,) consisted more of desperate persons of the suburbs and the neighbouring towns, (who were misled too by the cunning and malice of their seducers,) than of the inhabitants of that city. He looks on his good subjects there as persons groaning under the same burden which doth oppress his majesty, and awed by the same persons who begat those tumults, and the same army which gave battle to his majesty. And therefore, as no good subject can more desire from his soul a composure of the general distractions, so no good citizen can more desire the establishment of the particular peace and prosperity of that place by his majesty's access thither, than his majesty himself doth.

216. 'But his majesty desires his good subjects of London seriously to consider what confidence his majesty can have of security there, whilst the laws of the land are so notoriously despised and trampled under foot, and the wholesome government of that city, (heretofore so famous over all the world,) is now submitted to the arbitrary power of a few desperate persons, of no reputation but for malice and disloyalty to him; whilst arms are taken up not only without but against his consent and express command, and collections publicly made, and contributions avowed, for the maintenance of the army which hath given him battle, and therein used all possible means treason and malice could suggest to them to have taken his life from him and to have destroyed his royal issue; whilst such of his majesty's subjects who, out of duty and affection to his majesty and compassion of their bleeding country, have laboured for peace, are reviled, injured, and murdered, even by the magistrates of that city or by their directions: lastly, what hopes his majesty can have of safety there whilst alderman Pennington, their pretended lord mayor, (the principal author of those calamities which so nearly threaten the ruin of that famous city,) Ven, Foulke, and Manwaring, (all, persons notoriously guilty of schism and high treason,) commit such outrages, in oppressing, robbing, and imprisoning, according to their discretion, all such his majesty's loving subjects whom they are pleased to suspect but for wishing well to his majesty.

217. 'And his majesty would know whether the petitioners believe that the reviling and suppressing the Book of Common Prayer, (established in this Church ever since the Reformation,) the discountenancing and imprisoning godly, learned, and painful preachers, and the cherishing and countenancing of Brownists, Anabaptists, and all manner of sectaries, be the way to defend and maintain the true reformed Protestant religion? That to comply

1643 with and assist persons who have actually attempted to kill his majesty, and to allow and favour libels, pasquils, and seditious sermons against his majesty, be to defend his royal person and honour according to the duty of their allegiance? Whether to imprison men's persons, and to plunder their houses, because they will not rebel against his majesty nor assist those that do; whether to destroy their property by taking away the twentieth part of their estates from them, and, by the same arbitrary power, to refer to four standers-by, of their own faction, to judge what that twentieth part is; be to defend the lawful rights and liberties of the subject? And if they think these actions to be instances of either, whether they do not know the persons before named to be guilty of them all? or whether they think it possible that Almighty God can bless that city, and preserve it from destruction, whilst persons of such known guilt and wickedness are defended and justified amongst them, against the power of that law by which they can only subsist?

218. 'His majesty is so far from suffering himself to be incensed against the whole city by the actions of these ill men, though they have hitherto been so prevalent as to make the affections of the rest of little use to him, and is so willing to be with them, and to protect them, that the trade, wealth, and glory thereof, (so decayed and eclipsed by these public distractions,) may again be the envy of all foreign nations; that he doth once more graciously offer his free and general pardon to all the inhabitants of that his city of London, the suburbs and city of Westminster, (except the persons formerly excepted by his majesty,) if they shall yet return to their duty, loyalty, and obedience. And if his good subjects of that his city of London shall first solemnly declare, that they will defend the known laws of the land, and will submit to and be governed by no other rule; if they shall first manifest, by defending themselves, and maintaining their own rights, liberties, and interests, and suppressing any force and violence unlawfully raised against those and his majesty, their power to defend and preserve him from all tumults, affronts, and violence: lastly, if they shall apprehend, and commit to safe custody, the persons of those four men who enrich themselves by the spoil and oppression of his loving subjects and the ruin of the city, that his majesty may proceed against them by the course of law, as guilty of high treason; his majesty will speedily return to them with his royal, and without his martial, attendance, and will use his utmost endeavour that they may hereafter enjoy all the blessings of peace and plenty, and will no longer expect obedience from them than he shall, with all the faculties of his soul, labour in the preserving and advancing the true reformed Protestant religion, the laws of the land, the liberty and property of the subjects, and the just privileges of Parliament.

219. 'If notwithstanding all this, the art and interest of these men can prevail so far that they involve more men in their guilt, and draw that his city to sacrifice its present happiness and future hopes to their pride, fury, and malice, his majesty shall only give them this warning: That whosoever shall henceforward take up arms without his consent, contribute any money or plate, upon what pretence of authority soever, for maintenance of the army under the command of the earl of Essex, or any other army in rebellion against him, or shall pay tonnage and poundage till the same shall be

settled by Act of Parliament, every such person must expect the severest punishment the law can inflict; and in the mean time his majesty shall seize upon any part of his estate within his power, for the relief and support of him and his army, raised and maintained for the defence of his person, the laws, and this his kingdom: and since he denies to his majesty the duty and benefit of his subjection, by giving assistance to rebels, which by the known laws of the land is high treason, his majesty shall likewise deny him the benefit of his protection, and shall not only signify to all his foreign ministers that such person shall receive no advantage by being his subject, but shall, by [all] other ways and means, proceed against him as a public enemy to his majesty and this kingdom. 1643

220. 'But his majesty hopes, and doubts not but, his good subjects of London will call to mind the acts of their predecessors, the duty, affection, loyalty, and merit towards their princes, the renown they have had with all posterity for, and the blessing of Heaven which always accompanied, those virtues; and will consider the perpetual scorn and infamy which unavoidably will follow them and their children, if infinitely the meaner part in quality, and much the lesser part in number, shall be able to alter the government so admirably established, destroy the trade so excellently settled, and to waste the wealth so industriously gotten, of that flourishing city: and then they will easily gather up the courage and resolution to join with his majesty in defence of that religion, law, and liberty, which hitherto hath, and only can, make themselves, his majesty, and his kingdom happy.

221. 'For concurring with the advice of his two Houses of Parliament, which with reference to the commonwealth may be as well at this distance as by being at Whitehall, his majesty doubts not but his good subjects of London well know, how far, (beyond the example of his predecessors,) his majesty hath concurred with their advice, in passing of such laws by which he willingly parted with many of his known rights for the benefit of his subjects, which the fundamental constitutions of this kingdom did not oblige him to consent unto, and hath used all possible means to beget a right understanding between them: and will therefore apply themselves to those who, by making just, peaceable, and honourable propositions to his majesty, can only beget that concurrence.'

222. This answer the King sent by a servant of his own[1], supposing that if he sent it by the messengers who brought the petition it might either be suppressed or not communicated in that manner as he desired. Besides, the messengers themselves, after the King had caused it to be read to them, were very well contented that it should be delivered by other hands than theirs. So they promised his majesty that they would procure a common hall, (which is the most general assembly of the city, the meanest person being admitted,) to be called as soon as they

[1] [Capt. Henry Heron or Herne.]

1643 returned, where his messenger might deliver it: and having been graciously used by the King and the Court, after two days' stay they returned from Oxford together with the gentleman sent by his majesty. When they came to London, the contents of the answer were quickly known, though not delivered; and the two
Jan. 10. Houses made an order, that the lord mayor should not call a common hall till he received farther direction from them. So that though the gentleman sent by the King often solicited the lord mayor that he would call a common hall, at which he was to deliver a message from the King, many days passed before any orders were issued to that purpose.

Jan. 13. 223. At last a day was appointed; and at the same time a committee of the Lords and Commons were sent to be present, to see that it might not have such a reception as might render their interest suspected. As soon as the gentleman sent by the King had read his majesty's answer, the earl of [Manchester[1]] told them of the 'great and high value the Parliament had of the city; that they had considered of those wounding aspersions which in that answer were cast upon persons of such eminent affection in their city, and upon others of great fidelity and trust amongst them: that they owned themselves equally interested in all things that concerned them, and would stand by them with their lives and fortunes, for the preservation of the city in general, and those persons in particular who had been faithful, and deserved well both of the Parliament and kingdom; and they would pursue all means with their lives and fortunes that might be for the preservation of that city, and for the procuring of safety, happiness, and peace to the whole kingdom.'

224. As soon as his lordship had finished his oration, which was received with marvellous acclamations, Mr. Pim enlarged himself upon the several parts of the King's answer, (for it was so long before it was delivered, that the printed copies from Oxford, which were printed there after the messenger was gone so long that all men concluded it was delivered, were public in all hands,) and told them the sense of the two Houses of Parliament upon every part of it. Amongst the rest, that

[1] ['Northumberland,' MS.]

225. 'The demanding the lord mayor and the other three citizens was against the privilege of Parliament, (two of them being members of the House of Commons,) and most dishonourable to the city that the lord mayor of London should be subjected to the violence of every base fellow, and that they should be commanded to deliver up their chief magistrates and such eminent members of the city to the King's pleasure, only because they had done their duty in adhering to the Parliament for the defence of the kingdom.' 1643

226. He told them, that, 'to the objection that the government of the city had been managed by a few desperate persons, and that they did exercise an arbitrary power, the two Houses gave them this testimony, that they had in most of the great occasions concerning the government of the city followed their direction; and that direction which the Parliament had given they had executed, and they must and would maintain to be such as stood with their honour in giving it and the others' trust and fidelity in performing it.'

227. To the objection that the property of the subject was destroyed by taking away the twentieth part by an arbitrary power, he told them, that 'that ordinance did not *require* a twentieth part, but did limit the assessors that they should not go beyond a twentieth part, and that was done by a power derived from both Houses of Parliament; the Lords, who had an hereditary interest in making of laws in this kingdom, and the Commons, who were elected and chosen to represent the whole body of the commonalty, and trusted for the good of the people, whenever they see cause, to charge the kingdom.' And he said further, that 'the same law which did enable the two Houses of Parliament to raise forces to maintain and defend the safety of religion and of the kingdom, did likewise enable them to require contributions whereby those forces might be maintained; or else it were a vain power to raise forces, if they had not a power likewise to maintain them in that service for which they were raised.' He observed, that 'it was reported, that the King declared that he would send some messengers to observe their carriage in the city, and what was done amongst them: the Parliament had just cause to doubt that those would be messengers of sedition and trouble, and therefore desired them to observe and find them out, that they might know who they were.' He concluded with commending unto their consideration 'the great danger that they were all in; and that that danger could not be kept off, in all likelihood, but by the army that was then on foot;' and assured them 'that the Lords and Commons were so far from being frighted by any thing that was in that answer, that they had, for themselves and the members of both Houses, declared a farther contribution towards the maintenance of that army; and could not but hope and desire that the city, which had shewed so much good affection in the former necessities of the state, would be sensible of their own and of the condition of the whole kingdom, and add to that which they had already done some farther contribution, whereby that army might be maintained for all their safeties.'

228. Whether the solemnity for the reception of this message after it was known what the contents were, and the bringing so

1643 great a guard of armed men to the place where it was to be delivered, frighted the well affected party of the city from coming thither, or frighted them when they were there from expressing those affections, I know not. But it is certain, these speeches and discourses were received and entertained with all imaginable applause, and [that meeting] was concluded with a general acclamation that 'they would live and die with the Houses,' and other expressions of that nature. So that all thoughts of farther address, or compliance with his majesty, were so entirely and absolutely laid aside, that the license of seditious and treasonable discourses daily increased; insomuch that complaint being made to the then lord mayor, that a certain desperate person had said, 'that he hoped shortly to wash his hands in the King's blood,' that minister of justice refused to send any warrant, or to give any direction to any officer, for the apprehension of him. And this was the conclusion of that petition and answer.

229. The Houses now began to speak themselves of sending propositions to the King for peace. For, how great soever the compliance seemed with them from the city or the country, they well enough discerned that that compliance was generally upon the hope and expectation that they would procure a speedy peace. And they had now procured that to pass both Houses which they only waited, the bill for the extirpation of episcopacy; in the doing whereof they used marvellous art and industry. They who every day did somewhat, (how little soever then taken notice of,) to make peace impossible, and resolved that no peace could be safe for them but such a one as would be unsafe for the King, well enough knew that they should never be able to hold up and carry on the war against the King in England but by the help of an army out of Scotland, which they had no hope to procure but upon the stock of alteration of the government of the Church, to which that whole nation was furiously inclined. But to compass that was very difficult, very much the major part even of those members who still continued with them being cordially affected to the government established, at least not affected to any other. To those therefore who were so far engaged as to

desire to have it in their power to compel the King to consent 1643
to such a peace as they desired, they presented the consequence of getting the Scots to declare for them; which would more terrify the King, and keep the northern parts in subjection, than any forces they should be able to raise: that it was impossible to draw such a declaration from them without first declaring themselves that they would alter the government by the bishops, which that people pretended to believe the only justifiable ground to take up arms. To others, which was indeed their public and avowed and current argument in debates, they alleged that they could not expect any peace would be effected by the King's free concurrence to any message they could send to him, but that it must arise and result from a treaty between them, upon such propositions as either party would make upon their own interest: that it could not be expected that such propositions would be made on either side as would be pertinaciously insisted on by them who made them, it being the course in all affairs of this nature to ask more than was expected to be consented to; that it concerned them as much to make demands of great moment to the King from which they meant to recede, as others upon which they must insist: that all men knew the inclination and affection the King had to the Church, and therefore if he saw that in danger he would rescue it at any price, and very probably their departing from their proposition of the Church might be the most powerful argument to the King to gratify them with the militia.

230. By these artifices, and especially by concluding obstinately Jan. 23.
that no propositions should be sent to the King for peace till the bill for extirpation of bishops was passed the Lords' House, (where it would never otherwise have been submitted to,) they Jan. 26.
had their desire, and about the end of January they sent the earls Jan. 30.
of Northumberland, Pembroke, Salisbury, and Holland, with eight members of the Commons, to Oxford, with their petition and propositions. And here I cannot omit one stratagem, which at that time occasioned some mirth. The common people of London were persuaded that there was so great scarcity of victual and provisions at Oxford, and in all the King's quarters, that they

1643 were not without danger of starving, and that, if all other ways failed, that alone would in a short time bring the King to them. To make good this report, provisions of all kinds, even to bread, were sent in waggons and on horses from London to Oxford for the supply of this committee, when, without doubt, they found as great plenty of all things where they came as they had left
Feb. 1. behind them. The petition presented to his majesty, with the propositions, [was [1]] in these words, at the presentation, read by the earl of Northumberland:

231. *The humble desires and propositions of the Lords and Commons in Parliament tendered to his majesty.*

'We your majesty's most humble and faithful subjects, the Lords and Commons in Parliament assembled, having in our thoughts the glory of God, your majesty's honour, and the prosperity of your people, and being most grievously afflicted with the pressing miseries and calamities which have overwhelmed your two kingdoms of England and Ireland, since your majesty hath, by the persuasion of evil counsellors, withdrawn yourself from the Parliament, raised an army against it, and by force thereof protected delinquents from the justice of it, constraining us to take arms for the defence of our religion, laws, liberties, privileges of Parliament, and for the sitting of the Parliament in safety; which fears and dangers are continued and increased by the raising, drawing together, and arming of great numbers of Papists, under the command of the earl of Newcastle; likewise by making the lord Herbert of Ragland and other known Papists commanders of great forces, whereby many grievous oppressions, rapines, and cruelties have been, and are daily, exercised upon the persons and estates of your people, much innocent blood hath been spilt, and the Papists have attained means of attempting, with hopes of effecting, their mischievous designs of rooting out the reformed religion and destroying the professors thereof: in the tender sense and compassion of these evils, under which your people and kingdom lie, (according to the duty which we owe to God, your majesty, and the kingdom, for which we are trusted,) do most earnestly desire, That an end may be put to these great distempers and distractions, for the preventing of that desolation which doth threaten all your majesty's dominions. And as we have rendered, and still are ready to render, to your majesty that subjection, obedience, and service which we owe unto you, so we most humbly beseech your majesty to remove the causes of this war, and to vouchsafe us that peace and protection which we and our ancestors have formerly enjoyed under your majesty and your royal predecessors, and graciously to accept and grant these our most humble desires and propositions:

1. 'That your majesty will be pleased to disband your armies, as we

[1] ['were,' MS.]

likewise shall be ready to disband all those forces which we have raised; 1643
and that you will be pleased to return to your parliament.

2. 'That you will leave delinquents to a legal trial and judgment of Parliament.

3. 'That the Papists may not only be disbanded but disarmed according to law.

4. 'That your majesty will be pleased to give your royal assent unto the bill for taking away superstitious innovations; to the bill for the utter abolishing and taking away of all archbishops, bishops, their chancellors and commissaries, deans, sub-deans, and chapters, archdeacons, canons, and prebendaries, and all chanters, chancellors, treasurers, sub-treasurers, succentors, and sacrists, and all vicars choral and choristers, old vicars and new vicars, of any cathedral or collegiate church, and all other their under-officers, out of the Church of England: to the bill against scandalous ministers: to the bill against pluralities: and to the bill for consultation to be had with godly, religious, and learned divines. That your majesty will be pleased to promise to pass such other good bills for settling of church-government as, upon consultation with the Assembly of the said divines, shall be resolved on by both Houses of Parliament, and by them presented to your majesty.

5. 'That your majesty [having[1]] expressed, in your answer to the nineteen propositions of both Houses of Parliament, an hearty affection and intention for the rooting out of Popery out of this kingdom, and that if both the Houses of Parliament can yet find a more effectual course to disable Jesuits, priests, and Popish recusants, from disturbing the State or eluding the laws, that you would willingly give your consent unto it; that you would be graciously pleased, for the better discovery and speedier conviction of recusants, that an oath may be established by Act of Parliament, to be administered in such manner as by both Houses shall be agreed on, wherein they shall abjure and renounce the Pope's supremacy, the doctrine of transubstantiation, purgatory, worshipping of the consecrated host, crucifixes, and images: and the refusing the said oath, being tendered in such manner as shall be appointed by Act of Parliament, shall be a sufficient conviction in law of recusancy. And that your majesty will be graciously pleased to give your royal assent unto a bill for the education of the children of Papists by Protestants in the Protestant religion. That, for the more effectual execution of the laws against Popish recusants, your majesty will be pleased to consent to a bill for the true levying of the penalties against them, and that the same penalties may be levied and disposed of in such manner as both Houses of Parliament shall agree on, so as your majesty be at no loss; and likewise to a bill whereby the practice of Papists against the State may be prevented, and the law against them duly executed.

6. 'That the earl of Bristol may be removed from your majesty's councils, and that both he and the lord Herbert, eldest son to the earl of Worcester, may likewise be restrained from coming within the verge of the Court; and that they may not bear any office or have any employments concerning State or commonwealth.

[1] ['have,' MS.]

1643 7. 'That your majesty will be graciously pleased by Act of Parliament to settle the militia both by sea and land, and for the forts and ports of the kingdom, in such a manner as shall be agreed on by both Houses.

8. 'That your majesty will be pleased by your letters patents to make sir John Brampston Chief Justice of your court of King's Bench; William Lenthall, esquire, the now Speaker of the Commons' House, Master of the Rolls; and to continue the Lord Chief Justice Banks Chief Justice of the court of Common Pleas; and likewise to make Mr. Sergeant Wild Chief Baron of your court of Exchequer; and that Mr. Justice Bacon may be continued, and Mr. Sergeant Rolls and Mr. Sergeant Atkins made Justices of the King's Bench: that Mr. Justice Reeves and Mr. Justice Foster may be continued, and Mr. Sergeant Phe[a]sant made one of the Justices of your court of Common Pleas; that Mr. Sergeant Creswell, Mr. Samuel Brown, and Mr. John Puleston may be Barons of the Exchequer; and that all these, and all the judges of the same courts for the time to come, may hold their places by letters patents under the Great Seal *quamdiu se bene gesserint*: and that the several persons not before named that do hold any of these places before mentioned may be removed.

9. 'That all such persons as have been put out of the commissions of peace, or oyer and terminer, or from being *custodes rotulorum*, since the first day of April, 1642, (other than such as were put out by desire of both or either of the Houses of Parliament,) may again be put into those commissions and offices, and that such persons may be put out of those commissions and offices as shall be excepted against by both Houses of Parliament.

10. 'That your majesty will be pleased to pass the bill now presented to your majesty to vindicate and secure the privileges of Parliament from the ill consequence of the late precedent in the charge and proceeding against the lord Kimbolton, now earl of Manchester, and the five members of the House of Commons.

11. 'That your royal assent may be given unto such Acts as shall be advised by both Houses of Parliament for the satisfying and paying the debts and damages wherein the two Houses of Parliament have engaged the public faith of the kingdom.

12. 'That your majesty will be pleased, according to a gracious answer heretofore received from you, to enter into a more strict alliance with the States of the United Provinces, and other neighbour Princes and States of the Protestant religion, for the defence and maintenance thereof against all designs and attempts of the Popish and Jesuitical faction to subvert and suppress it; whereby your subjects may hope to be free from the mischiefs which this kingdom hath endured through the power which some of that party have had in your counsels, and will be much encouraged, in a parliamentary way, for your aid and assistance in restoring your royal sister and the Prince Elector to those dignities and dominions which belong unto them, and relieving the other Protestant princes who have suffered in the same cause.

13. 'That in the general pardon which your majesty hath been pleased to offer to your subjects, all offences and misdemeanours committed

before the 10th of January, 1641, which have been or shall be questioned 1643
or proceeded against in Parliament, upon complaint in the House of Commons, before the 10th of January, 1643, shall be excepted; which offences and misdemeanours shall nevertheless be taken and adjudged to be fully discharged against all other inferior courts. That likewise there shall be an exception [of[1]] all offences committed by any person or persons which hath or have had any hand or practice in the rebellion of Ireland, which hath or have given any counsel, assistance, or encouragement to the rebels there, for the maintenance of that rebellion; as likewise [an] exception of William earl of Newcastle and George lord Digby.

14. 'That your majesty will be pleased to restore such members of either House of Parliament to their several places of services and employment out of which they have been put since the beginning of this Parliament; that they may receive satisfaction and reparation for those places, and for the profits which they have lost by such removals, upon the petition of both Houses of Parliament: and that all others may be restored to their offices and employments who have been put out of the same upon any displeasure conceived against them for any assistance given to both Houses of Parliament, or obeying their commands, or forbearing to leave their attendance upon the Parliament without license, or for any other occasion arising from these unhappy differences betwixt your majesty and both Houses of Parliament, upon the like petition of both Houses.

'These things being granted and performed, as it hath always been our hearty prayer, so shall we be enabled to make it our hopeful endeavour, that your majesty and your people may enjoy the blessings of peace, truth, and justice; the royalty and greatness of your throne may be supported by the loyal and bountiful affections of your people; their liberties and privileges maintained by your majesty's protection and justice; and this public honour and happiness of your majesty and all your dominions communicated to other Churches, and States of your alliance, and derived to your royal posterity and the future generations of this kingdom for ever.'

232. They who brought this petition and propositions spake to their friends at Oxford with all freedom of the persons from whom they came; inveighed against their tyranny and unreasonableness, and especially against the propositions themselves had brought; but positively declared that if the King would vouchsafe so gracious an answer (which they confessed they had no reason to expect) as might engage the two Houses in a treaty, it would not be then in the power of the violent party to deny whatsoever his majesty could reasonably desire. However (though the King expected little from those private undertakings, well knowing that they who wished best were of

[1] ['to,' MS.]

1643 least power, and that the greatest amongst them as soon as they were but suspected to incline to peace immediately lost their reputation) his majesty, within two days, graciously Feb. 3. dismissed those messengers with this answer:—

233. 'If his majesty had not given up all the faculties of his soul to an earnest endeavour of a peace and reconciliation with his people; or if he would suffer himself by any provocation to be drawn to a sharpness of language, at a time when there seems somewhat like an overture of accommodation, he could not but resent the heavy charges upon him in the preamble of these propositions; would not suffer himself to be reproached with protecting of delinquents by force from justice, (his majesty's desire having always been that all men should be tried by the known law, and having been refused it), with raising an army against his Parliament, and to be told that arms have been taken up against him for the defence of religion, laws, liberties, privileges of Parliament, and for the sitting of the Parliament in safety, with many other particulars in that preamble so often and so fully answered by his majesty, without remembering the world of the time and circumstances of raising those arms against him; when his majesty was so far from being in a condition to invade other men's rights that he was not able to maintain and defend his own from violence; and without telling his good subjects that their religion, (the true Protestant religion, in which his majesty was born, hath faithfully lived, and to which he will die a willing sacrifice,) their laws, liberties, privileges, and safety of Parliament, were so amply settled and established, or offered to be so by his majesty, before any army was raised against him, and long before any raised by him for his defence, that if nothing had been desired but that peace and protection which his subjects and their ancestors had in the best times enjoyed under his majesty or his royal predecessors, this misunderstanding and distance between his majesty and his people, and this general misery and distraction upon the face of the whole kingdom, had not been now the discourse of all Christendom.

234. 'But his majesty will forbear any expressions of bitterness, or of a sense of his own sufferings, that, if it be possible, the memory thereof may be lost to the world. And therefore, though many of the propositions presented to his majesty by both Houses appear to him very derogatory from and destructive to his just power and prerogative, and no way beneficial to his subjects, few of them being already due to them by the laws established, (and how unparliamentary it is by arms to require new laws all the world may judge,) yet (because these may be waived or mollified, and many things that are now dark and doubtful in them cleared and explained upon debate) his majesty is pleased, (such is his sense of the miseries this kingdom suffers by this unnatural war, and his earnest desire to remove them by an happy peace,) that a speedy time and place be agreed upon for the meeting of such persons as his majesty and both Houses shall appoint to discuss these propositions, and such others here following as his majesty doth propose to them:

1. 'That his majesty's own revenue, magazine, towns, forts, and ships,

which have been taken or kept from him by force, be forthwith restored unto him. 1643

2. 'That whatsoever hath been done or published contrary to the known laws of the land, or derogatory to his majesty's legal and known powers and rights, be renounced and recalled, that no seed may remain for the like to spring out of for the future.

3. 'That whatsoever illegal power hath been claimed and exercised by or over his subjects, as imprisoning their persons without law, stopping their *Habeas Corpuses*, and imposing upon their estates without Act of Parliament, &c. either by both or either House, or any committee of both or either, or by any persons appointed by any of them, be disclaimed, and all such persons so committed forthwith discharged.

4. 'That [as] his majesty will readily consent (having done so heretofore) to the execution of all laws already made, and to any good Acts to be made, for the suppressing of Popery, and for the firm settling of the Protestant religion now established by law, so he desires that a good bill may be framed for the better preserving the Book of Common Prayer from the scorn and violence of Brownists, Anabaptists, and other sectaries, with such clauses for the ease of tender consciences as his majesty hath formerly offered.

5. 'That all such persons as upon the treaty shall be excepted out of the general pardon shall be tried *per pares*, according to the usual course and known laws of the land; and that it be left to that, either to acquit or condemn them.

6. 'And, to the intent this treaty may not suffer interruption by any intervening accidents, that a cessation of arms, and free trade for all his majesty's subjects, may be first agreed upon.

'This offer and desire of his majesty, he hopes, will be so cheerfully entertained that a speedy and blessed peace may be accomplished. If it shall be rejected, or by insisting upon unreasonable circumstances be made impossible, (which, he hopes, God in his mercy to this nation will not suffer,) the guilt of the blood which will be shed, and the desolation which must follow, will lie upon the heads of the refusers. However, his majesty is resolved, through what accidents soever he shall be compelled to recover his rights, and with what prosperous success soever it shall please God to bless him, that by his earnest constant endeavours to propagate and promote the true Protestant religion, and by his governing according to the known laws of the land and upholding the just privileges of Parliament, according to his frequent protestations made before Almighty God, (which he will always inviolably observe,) the world shall see that he hath undergone all these difficulties and hazards for the defence and maintenance of those, the zealous preservation of which, his majesty well knows, is the only foundation and means for the true happiness of him and his people.'

235. Whilst these overtures and discourses were made of peace, the kingdom in all parts felt the sad effects of war, neither the King nor the Parliament using any slackness in pursuing their business by the sword, and the persons of

1643 honour and quality in most counties more vigorously declaring themselves than they had done. Amongst the rest, upon the King's retreat from Brainford, whilst he yet stayed about Reading, some of the well affected gentry of Sussex, upon the confidence of their interest in those parts, offered the King to raise forces there, and presumed they should be able to seize some place of security and importance for their retreat, if the enemy should attempt upon them; which at that time of the year was not conceived could be with any notable success. And being armed with such authority and commissions as they desired, and seconded with a good number of considerable officers, their first success was answerable to their own hopes, and they possessed themselves, partly by force and partly by stratagem, of the city of Chichester; which, being encompassed with a very good old wall, was very easy to be so fortified that, with the winter, they might well think themselves secure against any forcible attempt [which] could be made upon them. And no doubt they had been so, if the common people of the country (out of which their soldiers were to rise) had been so well affected as was believed.

236. But before they could draw in men or provisions into the city the earl of Essex sent sir William Waller, with horse, foot, and cannon, to infest them; who, with the assistance of the country, quickly shut them up within their walls. They within the town were easily reduced to straits they could not contend with; for, besides the enemy without, against which the walls and the weather seemed of equal power, and the small stock of provisions which in so short time they were able to draw thither, they had cause to apprehend their friends would be weary before their enemies, and that the citizens would not prove a trusty part of the garrison; and their number of common men was so small that the constant duty was performed by the officers and gentlemen of quality, who were absolutely tired out. So that, after a week or ten days' siege, they were compelled, upon no better articles than
Dec. 27. quarter, to deliver that city, which could hardly have been taken from them; by which (with the loss of fifty or threescore

gentlemen of quality, and officers of name, whose very good reputation made the loss appear a matter of absolute and unavoidable necessity) the King found that he was not to venture to plant garrisons so far from his own quarters, where he could not in reasonable time administer succour or supply. 1643

237. This triumph of the enemy was shortly after abated, and the loss on the King's part repaired, by the winning of Ciceter, a good town in Glostershire, which the rebels were fortifying, and had in it a very strong garrison; which, being upon the edge of Wiltshire, Barkshire, and Oxfordshire, shrewdly straitened the King's quarters. The marquis of Hartford, bringing with him out of Wales near two thousand foot and one regiment of horse, intended, with the assistance of prince Rupert, who appointed to join with him with some regiments from Oxford, to take in that town; but, by the extreme foulness of the ways, the great fall of rain at that time, (being about Christmas,) and some mistake in orders between the two generals, that design was disappointed; and Jan. 7. the alarum gave the enemy so much the more courage and diligence to provide for an assault.

238. In the beginning of February prince Rupert went Jan. 31. upon the same design with better success; and at one and the same time storming the town in several places, their works not Feb. 2. being yet finished, though pertinaciously enough defended, entered their line, with some loss of men and many hurt, but with a far greater of the enemy; for there were not so few as two hundred killed upon the place, and above one thousand taken prisoners, whereof Warneford and Fettyplace, (two gentlemen of good quality and fortune near that town[1], and very active in the service,) George, a member of Parliament who served for that borough, and two or three Scotch officers of the field, (whereof Carr the governor was one,) were the chief. The town yielded much plunder, from which the undistinguishing soldier could not be kept but was equally injurious to friend and foe; so that many honest men, who

[1] [Capt. Warneford 'of Bibury' (Warburton's note) and Col. John Fettiplace of Coln-Aldwyn.]

1643 were imprisoned by the rebels for not concurring with them, found themselves at liberty and undone together: amongst whom John Plot, a lawyer of very good reputation, was one, who, being freed from the hard and barbarous imprisonment in which he had been kept, when he returned to his own house found it full of soldiers, and twelve hundred pounds in money taken from thence, which could never be recovered. The prince left a strong garrison there, which brought almost that whole country into contribution; which was a great enlargement to the King's quarters, which now without interruption extended from Oxford to Worcester; which important city, with the other of Hereford, and those counties, had some time before been quitted by the rebels, the earl of Stamford (who was left in those parts by the earl of Essex) being called from thence, by the growth of the King's party in Cornwall, to the securing the West.

§ 33. 239. We remembered before, (when the marquis of Hartford transported himself and his few foot into Wales from Minyard,) that sir Ralph Hopton and the other gentlemen mentioned before, with their small force, consisting of about one hundred horse and fifty dragoons, retired into Cornwall, neglected by the earl of Bedford as fit and easy to be suppressed by the committees. And in truth the committees were entirely possessed of Devonshire, and thought themselves equally sure of Cornwall, save that the castle of Pendennis was in the custody of one they had no hope of. They were welcomed into Cornwall by sir Bevil Greenvill, who marched with them towards the west of that county as being best affected, where they might have leisure to refresh their wearied and almost tired horse and men, and to call the well disposed gentry together; for which they chose Truro as the fittest place, the east part of the county being possessed by sir Alexander Carew and sir Richard Buller, two members of the House of Commons, and active men for the settling the militia. There was in this county, as throughout the whole kingdom, a wonderful and superstitious reverence towards the name of a Parliament, and a prejudice to the power of the Court; yet a full submission,

and love of the established government of Church and State, 1643
especially to that part of the Church as concerned the liturgy, or Book of Common Prayer, which was a most general object of veneration with the people; and the jealousy and apprehension that the other party intended to alter it was a principal advancement of the King's service. Though the major and most considerable part of the gentry and men of estate were heartily for the King, many of them being of the House of Commons, and so having seen and observed by what spirit the distemper was begot and carried on, yet there were others of name, fortune, and reputation with the people, very solicitous for the Parliament, and more active than the other. There was a third sort (for a party they cannot be called) greater than either of the other, both in fortune and number, who, though they were satisfied in their consciences of the justice of the King's cause, had yet so great a dread of the power of the Parliament, that they sat still as neuters, assisting neither. So that they who did boldly appear and declare for the King were compelled to proceed with all wariness and circumspection, by the known and well understood rules of the law and justice, and durst not oppose the most extravagant act of the other side but with all the formality that was used in full peace: which must be an answer to all those oversights and omissions which posterity will be apt to impute to the King in the morning of these distractions.

240. The committee of the Parliament, who were entirely possessed of Devonshire and believed themselves masters of Cornwall, drew their forces of the country to La[u]nceston, to be sure that sir Ralph Hopton and his adherents (whose power they thought contemptible) might not escape out of their hands. This was before the battle of Edgehill, when the King was at lowest, and when the authority of Parliament found little opposition in any place. The quarter sessions came, where they caused a presentment to be drawn, in form of law, 'against divers men unknown, who were lately come armed into that county *contra pacem* &c.' Though none were named, all understood who were meant; and therefore sir Ralph

1643 Hopton, who well understood those proceedings, voluntarily
1642 appeared, took notice of the presentment, and produced the
Aug. 2. commission granted by the King under the Great Seal of England to the marquis of Hartford, by which he was constituted general of the West, and a commission from his lordship to sir Ralph Hopton of lieutenant general of the horse; and told them he was sent to assist them in the defence of their liberties against all illegal taxes and impositions. Hereupon, after a full and solemn debate, the jury, which consisted of gentlemen of good quality and fortunes in the country, not only acquitted sir Ralph Hopton and all the other gentlemen his companions of any disturbance of the peace, but declared that it was a great favour and justice of his majesty to send down aid to them who were already marked out to destruction; and that they thought it the duty of every good subject, as well in loyalty to the King as in gratitude to those gentlemen, to join with them, with any hazard of life and fortune.

241. As this full vindication was thus gotten on the King's part, so an indictment was preferred against sir Alexander Carew, sir Richard Buller, and the rest of the committee, 'for a rout and unlawful assembly at La[u]nceston, and for riots and misdemeanours committed against many of the King's good subjects in taking their liberties from them;' for they had intercepted and apprehended divers messengers and others of the King's party, and employed by them. This indictment and information was found by the grand jury, and thereupon, according to a statute in that case provided, an order of sessions was granted to the high shrief, a person well affected to the King's service, to raise the *posse comitatus* for the dispersing that unlawful assembly at La[u]nceston, and for the apprehension of the rioters. This was the rise and foundation of all the great service that was after performed in Cornwall, by which the whole West was reduced to the King; for by this means there were immediately drawn together a body of three thousand foot, well armed, (which by no other means that could have been used could have been done,) with which sir Ralph Hopton, whom they all willingly obeyed, advanced towards

Lanson [Launceston]; where the committee had fortified, and 1643
from thence had sent messages of great contempt upon the proceedings of the sessions; for, besides their confidence in their own Cornish strength, they had a good body of horse to second them upon all occasions in the confines of Devon, sir George Chudleigh, a gentleman of good fortune and reputation in that county, and very active for the militia, being then at Tavistock with five or six full troops of horse, raised in that county to go to the army but detained till Cornwall could be settled; and upon the news of sir Ralph Hopton's advancing, these drew to Litton [Lifton], a village in Devonshire, but within three miles of Lanson.

242. Sir Ralph Hopton marched within two miles of the town, where he refreshed his men, intending, the next morning early, to fall on the town. But sir Richard Buller and his confederates, not daring to abide the storm, in great disorder quitted the town that night, and drew into Devonshire, and so towards Plimmoth [Plymouth]; so that in the morning sir Ralph Hopton found the gates of Lanson open, and entered without resistance. As the submission to and reverence of the known practised laws had by the shrief's authority raised this army within very few days, so the extreme superstition to it as soon dissolved it. For when all the persons of honour and quality, who well knew the desperate formed designs of the other party, earnestly pressed the pursuing the disheartened and dismayed rebels into Devon, by which they should quickly increase their numbers by joining with the well affected in that large and populous county who were yet awed into silence, it was powerfully objected that the shrief, by whose legal authority only that force was drawn together, might not lawfully march out of his own county, and that it was the principal privilege of the train-bands that they might not be compelled to march farther than the limits of their shire.

243. How grievous and inconvenient soever this doctrine was discerned to be, yet no man durst presume so far upon the temper of that people as to object policy or necessity to their notions of law. And therefore, concealing as much as was possible the true reasons, they pretended their not following

1643 the enemy proceeded from apprehension of their strength by joining with sir George Chudleigh, and of want of ammunition, (either of which were not unreasonable,) and so marched to Salt-Ash, a town in Cornwall, upon an arm of the sea which only divided it from Plimmoth and Devon, where was a garrison of two hundred Scots; who, upon the approach of sir Ralph Hopton, as kindly quit Salt-Ash as the others had Lanson before. So that being now entirely masters of Cornwall, they fairly dismissed those who could not be long kept together, and retired with their own handful of horse and dragoons till a new provocation from the enemy should put fresh vigour into that county.

244. In the mean time, considering the casualty of those train-bands and that strength which on a sudden could be raised by the *posse comitatus*, which, though it made a gallant show in Cornwall, they easily saw would be of no use towards the quenching the general rebellion over England, they entered upon thoughts of raising voluntary regiments of foot; which could be only done by the gentlemen of that country amongst their neighbours and tenants who depended on them. Sir Bevil Greenvill, (the generally most loved man of that county,) sir Nicholas Slanning, the gallant governor of Pendennis castle, John Arrundell, and John Trevanion, two young men of excellent hopes and heirs to great fortunes in that country, (all four of them members of the House of Commons, and so better informed and acquainted with the desperate humours of the adverse party,) undertook the raising regiments of volunteers, many young gentlemen of the most considerable families of the county assisting them as inferior officers. So that, within a shorter time than could be expected, from one single small county there was a body of foot of near fifteen hundred raised, armed, and well disciplined for action. But there was then an accident that might have discomposed a people which had not been very well prepared to perform their duties.

245. The lord Mohun (who had departed from York from the King with all professions of zeal and activity in his service) had from the time of the first motion in Cornwall forborne to join

himself to the King's party, staying at home at his own house, 1643
and imparting himself equally to all men of several constitutions, as if he had not been yet sufficiently informed which party to adhere to. But after all the adverse party was driven out of Cornwall, and the fame of the King's marching in the head of an army and having fought the battle at Edgehill, (the event whereof was variously reported,) without acquainting any body with his intention, he took a journey towards London at the time when the King marched that way, and presented himself to his majesty at Brainford as sent from sir Ralph Hopton and the rest of those gentlemen engaged in Cornwall; though many men believed that his purpose was in truth for London if he had not then found the King's condition better than it was generally believed. Upon his lordship's information of the state of those western parts, and upon a supposition that he spake the sense and desires of those from whom he pretended to come, the King granted a commission jointly to his lordship, sir Ralph Hopton, sir John Barkley, and colonel Ashburnham, to govern those forces in the absence of the lord marquis of Hartford; with which he returned into Cornwall, and immediately raised a regiment of foot, behaving him[self] as actively, and being every way as forward in the advancing the great business, as any man; so that men imputed his former reservedness only to his not being satisfied in a condition of command.

246. On the other side, they who were concerned in that alteration were not at all well contented. For before, those gentlemen of Cornwall upon whose interest and activity the work depended had with great readiness complied with the other, both out of great value of their persons, with whom they had good familiarity and friendship, and in respect of their authority and commissions, with which they came qualified in that country: for (as was remembered before) sir Ralph Hopton § 240.
had a commission from the marquis of Hartford to be lieutenant general of the horse, sir John Barkley to be commissary general, and colonel Ashburnham to be major general of the foot; so that there was no dispute of commands. But now, the lord Mohun's coming into an equal command with any, and

1643 superior to those who thought their reputation and interest to be superior to his, (for he had not the good fortune to be very gracious in his own country,) and this by his own solicitation and interposition, gave them some indignation. However, their public-heartedness and joint concernment in the good cause so totally suppressed all animosities, or indeed indispositions, that a greater concurrence could not be desired in whatsoever could contribute to the work in hand; so that they not only preserved Cornwall entire, but made bold incursions into Devon, even to the walls of Plimmoth and Exciter[1], though the season of the year, being the deep winter, and the want of ammunition, forced them to retire into Cornwall, the reputation of their being masters of that one county, and the apprehension of what they might be shortly able to do, making the Parliament think it time to take more care for their suppression. And therefore they sent their whole forces out of Dorset and Somerset to join with those of Devon, to make an entire conquest of Cornwall.

247. With these, Ruthen (a Scotchman, then governor of Plimmoth) advanced into Cornwall by a bridge over the Tamar, six miles above Salt-Ash, (where he had before endeavoured to force his passage by water, but had been beaten off with loss,) having mastered the guard there; the earl of Stamford following him two or three days' march behind, with a new supply of horse and foot, albeit those the Scotchman had with him were much superior to those of the King's, which upon this sudden invasion were forced to retire with their whole strength to Bodmin; whither, (foreseeing this storm some few days before it came,) they had again summoned the *posse comitatus*, which appeared in considerable numbers.

248. They had scarce refreshed themselves there, and put their men in order, when Ruthen, with his horse, foot, and
Jan. 18. cannon, was advanced to Liskard, within seven miles[2] of Bodmin; from whence they moved towards the enemy with all alacrity, knowing how necessary it was for them to fight before the earl of Stamford, (who was at that time come to Lanson with a strong party of horse and foot,) should be able to join with the

[1] [Exeter on Nov. 21, 1642, and Plymouth on Dec 8.] [2] [about 15.]

rebels. And as this consideration was of importance to hasten 1643
the one, so it prevailed with the other party too; for Ruthen, apprehending that his victory, (of which he made no question,) would be clouded by the presence of the earl of Stamford, who had the chief command, resolved to despatch the business before he came. And so sir Ralph Hopton (to whom the other commissioners, who had a joint authority with him, willingly devolved the sole command for that day, lest confusion of orders might beget distraction) was no sooner known to be drawing towards him, (to whom a present battle was so necessary, that it was resolved, upon all disadvantages, to have fallen on the enemy in the town rather than not fight,) but Ruthen likewise drew out his forces, and, choosing his ground upon the east side of Bradock-Down near Liskard, stood in battalia to expect the Jan. 19.
enemy. Sir Ralph Hopton, having likewise put his men in Bradock Down
order, caused public prayers to be said in the head of every squadron, (which the rebels observing, told their fellows 'they were at mass,' to stir up their courages in the cause of religion,) and, having winged his foot with his horse and dragoons, he advanced within musket-shot of the enemy, who stood without any motion. Then, perceiving that their cannon were not yet come up from the town, he caused two small iron minion-drakes (all the artillery they had) to be drawn under the cover of little parties of horse to a convenient distance from the body of the enemies; and after two shot[s] of those drakes, (which, being not discerned and doing some execution, struck a great terror into them,) advanced with his body upon them, and with very easy contention beat them off their ground, they having lined the hedges behind them with their reserve, by which they thought securely to make their retreat into the town. But the Cornish so briskly bestirred themselves, and pressed them so hard on every side, being indeed excellent at hedge-work and that kind of fight, that they quickly won that ground too, and put their whole army in a rout, and had the full execution of them as far as they would pursue. But after that advantage they were always more sparing than is usually known in civil wars, shedding very little blood after resistance was given over,

1643 and having a very noble and Christian sense of the lives of their brethren: insomuch as the common men, when they have been pressed by some fiercer officer to follow the execution, have answered, 'they could not find in their hearts to hurt men who had nothing in their hands.'

249. In this battle, without the loss of any officer of name, and very few common men, they took twelve hundred and fifty prisoners, most of their colours, all their cannon, being four brass guns, (whereof two were twelve pounders,) and one iron saker, all their ammunition, and most of their arms. Ruthen himself, with those few who could keep pace with him, fled to Salt-Ash, which he thought to fortify, and by the neighbourhood of Plimmoth and assistance of the shipping to defend, and thereby still to have an influence upon a good part of Cornwall. The earl of Stamford, receiving quick advertisement of this defeat, in great disorder retired to Tavistock, to preserve the utmost parts of Devon from incursions. Hereupon, after a solemn thanksgiving to God for this great victory, (which was about the middle of January,) and a little refreshing their men at Liskard, the King's forces divided themselves. Sir John Barkley and colonel Ashburnham, with sir Bevil Greenvill's, sir Nicholas Slanning's and colonel Trevanion's voluntary regiments, and such a party of horse and dragoons as could be spared, advanced to Tavistock to visit the earl of Stamford. The lord Mohun and sir Ralph Hopton, with the lord Mohun's and colonel Godolphin's voluntary regiments and some of the train-bands, marched towards Salt-Ash to dislodge Ruthen; who in three days (for there was no more between his defeat at Bradock-Down and his visitation at Salt-Ash) had cast up such works, and planted such store of cannon upon the narrow avenues, that he thought himself able, with the help of a goodly ship of four hundred tons, in which were sixteen piece[s] of cannon, which he had brought up the river to the very side of the town, to defend that place against any strength was like to be brought against him. But he quickly found that the same spirit possessed his enemies that drove him from Liskard, and the same that possessed his own men when they fled from

thence; for as soon as the Cornish came up, they fell upon his works, and in a short time beat him out of them, and then out of the town, with a good execution upon them, many being killed, and more drowned; Ruthen himself hardly getting into a boat, by which he got into Plimmoth, leaving all his ordnance behind him, which, together with the ship, and sevenscore prisoners, and all their colours which had been saved at Liskard, were taken by the conquerors, who were now again entire masters of Cornwall. 1643 Jan. 22.

250. The earl of Stamford had not the same patience to abide the other party at Tavistock, but before their approach quitted the town; some of his forces making haste into Plimmoth, and the rest retiring into Exciter. And so, though the old superstition of not going out of the county again disbanded the train-bands, the Cornish with all their voluntary forces drew into Devon, and fixed quarters within less than a mile of Plimmoth, and kept guards even within musket-shot of their line. Sir John Barkley in the mean time, with a good party volant of horse and dragoons, with great diligence and gallantry visiting all places in Devon where their people were gathered together and dissolving them, took many prisoners of name; and so kept James Chidly [Chudleigh], the major general of the Parliament-forces, from raising a body there, which he industriously intended.

251. In these necessary and brisk expeditions, falling upon Chagford (a little town in the south of Devon) before day, the King lost Sidney Godolphin, a young gentleman of incomparable parts; who, being of a constitution and education more delicate, and unacquainted with contentions, upon his observation of the wickedness of those men in the House of Commons of which he was a member, out of the pure indignation of his soul and conscience to his country had with the first engaged himself with that party in the West: and though he thought not fit to take command in a profession he had not willingly chosen, yet as his advice was of great authority with all the commanders, being always one in the council of war, and whose notable abilities they had still use of in their civil transactions, so he exposed his

1643 person to all action, travail, and hazard; and, by too forward engaging himself in this last, received a mortal shot by a musket a little above the knee, of which he died in the instant; leaving the ignominy of his death upon a place which could never otherwise have had a mention to the world.

252. After this, which happened about the end of January[1], in respect of the season of the year and their want of ammunition finding that they could make no impression upon the strong holds of the enemy, they retired with their whole forces to Tavistock; where they refreshed and rested themselves many days, being willing to ease their fast friends of Cornwall as much as was possible from the trouble and charge of their little army. The difficulties they were entangled with were very prodigious; of which one was, that the West was so entirely possessed by the enemy that they could have no correspondence, or receive any intelligence from the King, not one messenger in ten arriving at his journey's end. Then, though the justice and piety of the cause added much power to particular persons in raising an army, yet the money that was raised for the maintenance and payment of that army was entirely upon the reputation, credit, and interest of particular men: and how long that spring would supply those streams the most sanguine amongst them could not presume. But the want of ammunition troubled them most of all. They had yet had none but what had been taken out of the low store of Pendennis castle and what they had won from the enemy; the first wanted a supply for its own provision, but which way to procure that supply they could not imagine; and the fear and apprehension of such straits against which no probable hope occurs, is more grievous and insupportable than any present want.

253. In this instant, as if sent by Providence, an opportunity found them they had scarce courage to hope for. Captain Carteret, the controller of the King's navy, in[2] the beginning of the troubles, (after he had refused to have command in their

[1] [Probably early in February, the news reaching Oxford on Feb. 19. *Mercurius Aulicus*, pp. 91, 100.]

[2] ['having in,' MS.]

fleets), had without noise withdrawn himself and his family out 1643
of England to Jarsey; and being there impatient to be quiet whilst his master was in the field, he transported himself into Cornwall with a purpose to raise a troop of horse and to engage in that service. When he came thither, he was unanimously importuned by the commanders, after they had acquainted him with their hopeless and desperate want of powder, to assist them in that manner that the many good ports in their power might be made of some use to them in the supply of powder: whereupon he shortly returned into France, and first upon his own credit, and then upon return of such commodities out of Cornwall as they could well spare, he supplied them with so great proportions of all kinds of ammunition that they never found want after.

254. In the mean time, when they were clouded with that want at Tavistock, some gentlemen of Cornwall who adhered to the rebels, and were thereby dispossessed of their country, made some overtures that a treaty might be entered into, whereby the peace of those two counties of Cornwall and Devon might be settled, and the war be removed into other parts. They who had most experience of the humours and dispositions of the factious party easily concluded the little hope of peace by such a treaty; yet the proposition was so specious and popular that there was no rejecting it; and therefore they agreed to a meeting between persons chosen of either side; and the earl of Stamford himself seemed so ingenuous[1], that at the very first meeting, to shew their clear intentions, it was mutually agreed Mar. 5.
that every person employed and trusted in the treaty should first make a protestation in these words:

255. 'I do solemnly vow and protest, in the presence of Almighty God, that I do not only come a commissioner to this treaty with an hearty and fervent desire of concluding an honourable and firm peace between the two counties of Cornwall and Devon; but also will to the utmost of my power prosecute and really endeavour to accomplish and effect the same, by all lawful ways and means I possibly can; first, by maintaining the Protestant religion established by law in the Church of England, the just rights and prerogative of our sovereign lord the King, the just

[1] ['ingenious,' MS.]

1643 privileges and freedom of Parliaments, together with the just rights and liberty of the subject; and that I am without any intention (by fomenting this unnatural war) to gain, or hope to advantage myself with the real or personal estate of any person whatsoever, or obtaining any office, command, title of honour, benefit, or reward, either from the King's majesty or either or both Houses of Parliament now assembled. And this I take in the presence of Almighty God, and as I shall answer the same at his tribunal, according to the literal sense and meaning of the foregoing words, without any equivocation, mental reservation, or other evasion whatsoever. So help me God.'

256. The taking this protestation with that solemnity, and the blessed Sacrament thereupon, made even those who before expected little fruit from the treaty believe that men, being so engaged, would not be liable to those passions and affections which usually transported that party, and so to hope that some good might proceed from it. And therefore the King's party were easily induced to retire with their forces into Cornwall; and thereupon a truce and cessation was agreed upon, that the treaty might proceed without interruption. In which treaty, (the same continuing beyond the expiration of this present year 1642), we shall for the present leave them, that we may take a short survey of the northern parts, and remember by what degrees they came to feel the calamities, and to bear their burden in the civil war.

257. When the King left Yorkshire, he appointed sir Thomas Glemham, (at the desire of the gentlemen of that county, as was before remembered [1]), to stay in York, to order and command those forces which they should find necessary to raise to defend themselves from the excursions of Hull, whence young Hotham infested the country more than his father, who was willing enough to sit still in his garrison, whence he believed he could make advantage upon the success of either party: and they who were most inclined to the Parliament (whereof the lord Fairfax and his son were the chief), from whom the King was so far from expecting any notable mischieve that he left them all at their own houses when he went thence, and might, if he had thought it requisite, have carried them away prisoners with him, were rather desirous to look on than engage themselves in the war,

[1] [Book v. § 445.]

presuming that one battle would determine all disputes, and the party that prevailed in that would find a general submission throughout the kingdom. And truly I believe there was scarce one conclusion that hath contributed more to the continuance and length of the war, than that general received opinion in the beginning that it would be quickly at an end. Hereupon, there being but one visible difference like to beget distractions in the country, which was about the militia, the King appointing it to be governed and disposed by the commission of array, and the Parliament by its ordinance, for the composing [thereof[1]] the gentlemen of the several opinions proposed between themselves that neither the one nor the other should be meddled with, but that all should be contented to sit still, without engagement to either party. This seemed very reasonable to the Parliament party, who were rather carried away with an implicit reverence to the name of a Parliament (the fatal disease of the whole kingdom) than really transported with the passion and design of the furious part of it, and who plainly discerned that by much the greatest part of the persons of honour, quality, and interest in the country would cordially oppose their proceedings: for, besides the lord Fairfax, there were in truth few of good reputation and fortune who ran that way. On the other hand, the King's party thought their work done by it; for they having already sent two good regiments of foot, the one under colonel John Bellasis, younger son to the lord viscount Falconbridge, and the other under sir William Pennyman, and two regiments of dragoons, the one under colonel Duncombe, the other, colonel Gowre, besides three or four good troops of horse, and the King being at that distance that they could not send him farther supply, they thought they had nothing to do but to keep the country in such a peace, that it might do the King no harm by sending men to the earl of Essex or adhering to the garrison of Hull; and concluding as the other did, that the decision between the King and Parliament would be at the first encounter. Upon these deliberations, articles were solemnly drawn up, consented to, and subscribed, by the lord Fairfax and Harry Bellasis, the heir

1643

1642 Sept. 29.

[1] ['whereof,' MS.]

1643 apparent of the lord Falconbridge, who were the two knights who served in Parliament for Yorkshire, nearly allied together, and of great kindness till their several opinions and affections had divided them in this quarrel, the former adhering to the Parliament, the latter, with great courage and sobriety, to the King.

258. With them, the principal persons of either party subscribed the articles, and gave their mutual faiths to each other that they would observe them; being indeed no other than an engagement of neutrality, and to assist neither party. Of all the gentry of Yorkshire there were only two dissenters on the Parliament side, young Hotham and sir Edward Rhodes, who, though of the better quality, was not so much known or considered as the other. But they quickly found seconds enough; for the Parliament no sooner was informed of this transaction than they expressed their detestation of it, and gently in words (though scornfully in matter) reprehending the lord Fairfax and
1642 his party for being cozened and overreached by the other, they
Oct. 4. declared, 'that none of the parties to that agreement had any authority to bind that county to any such neutrality as was mentioned in that agreement, it being a peculiar and proper power and privilege of Parliament, where the whole body of the kingdom is represented, to bind all or any part thereof: that it was very prejudicial and dangerous to the whole kingdom that one county should withdraw themselves from the assistance of the rest, to which they were bound by law, and by several orders and declarations of Parliament; that it was very derogatory to the power and authority of Parliament that any private men should take upon them to suspend the execution of the ordinance of the militia, declared by both Houses to be according to law and very necessary at that time for the preservation of the peace and safety of the kingdom. And therefore,' they said, 'they thought themselves bound in conscience to hinder all further proceedings under that agreement; and ordered that no such neutrality should be observed in that county. For if they should suffer particular counties to divide themselves from the rest of the kingdom, it would be a

means of bringing all to ruin and destruction.' And therefore 1643
they further declared, that 'neither the lord Fairfax nor the gentlemen of Yorkshire, who were parties to those articles, nor any other inhabitants of that county, were bound by any such agreement, but required them to pursue their former resolutions of maintaining and assisting the Parliament in defence of the common cause, according to their general Protestation wherein they were bound with the rest of the kingdom, and against the particular protestation by themselves lately made, and according to such orders and commissions as they should receive from both Houses of Parliament, from the committee of the Lords and Commons appointed for the safety of the kingdom, or from the earl of Essex, lord general.' And, lest this their declaration should not be of power enough to dissolve this agreement, they published their resolution, and directed that master Hotham and sir Edward Rhodes should proceed upon their former instructions: and 'that they should have power to seize and apprehend all delinquents that were so voted by the Parliament, and all such others as delinquents as had or did shew themselves opposite and disobedient to the orders and proceedings of Parliament.'

259. Upon this declaration and vote, not only young Hotham fell to the practice of acts of hostility with all license out of the garrison at Hull, but the lord Fairfax himself, and all the gentlemen of that party who had with that protestation signed the articles, instead of resenting the reproach to themselves, tamely submitted to those unreasonable conclusions, and, contrary to their solemn promise and engagement, prepared themselves to bear a part in the war, and made all haste to levy men.

260. Upon so great a disadvantage were the King's party in all places; who were so precise in promises and their personal undertakings that they believed they could not serve the King and his cause if their reputation and integrity were once blemished, though some particular contract proved to his disadvantage: whilst the other exposed their honours for any present temporary conveniences, and thought themselves absolved by any new resolution of the Houses, to whose custody their honour and ingenuity was committed. The present disadvantage of this rupture was greater

1643 to the King's party there than to the other. For, (besides that many who concurred with them very frankly and solicitously in the neutrality separated themselves from them now there was a necessity of action) they had neither money to raise men nor arms to arm them; so that the strength consisted in the gentlemen themselves and their retinue, who, by the good affections of the inhabitants of York, were strong enough to secure one another within the walls of that city. Then, the earl of Cumberland, in whom the chief power of command was to raise men and money in a case of necessity, though he was a person of entire devotion to the King, was in his nature inactive, and utterly unexperienced in affairs and exigents of that nature.

261. On the other hand, the opposite party was strengthened and enabled by the strong garrison of Hull, whence young Hotham on all occasions was ready to second them with his troop of horse, and to take up any well affected person who was suspected to be loyal; which drove all resolved men from their houses into York, where they only could be safe. They could have what men more they desired from London, and both ready money from thence to Hull and ordinances to raise what they would in the county to pay them. Leeds, Halifax, and Bradford, three very populous and rich towns, (which depending wholly upon clothiers naturally maligned the gentry,) were wholly at their disposition. Their neighbours in Lincolnshire were in a body to second them, and sir John Gell was on the same behalf possessed of Darby and all that county, there being none that had the hardiness yet to declare there for the King. So that if sir John Hotham's wariness had not kept him from being active, and his pride and contempt of the lord Fairfax, upon whom the country chiefly depended, hindered him from seconding and assisting his lordship, or if any man had had the entire command of those parts and forces to have united them, the Parliament had with very little resistance been absolute masters of all Yorkshire, and as easily of the city itself. But their want of union in the by, though they agreed too well in the main, gave the King's party time to breathe, and to look about for their preservation. Thereupon they sent to the earl of Newcastle for

assistance, offering, if he would march into Yorkshire, they would join with him and be entirely commanded by him; the earl of Cumberland willingly offering to waive any title to command. 1643

262. It was before remembered[1], that when the King left York he had sent the earl of Newcastle, as a person of great honour and interest in those parts, to be governor of Newcastle, and so to secure that port that the Parliament might neither seize it nor the Scots be bribed by it to come to the assistance of their brethren. Which commission from the King his lordship no sooner executed, without the least hostility, (for that town received him with all possible acknowledgments of the King's goodness in sending him,) but he was impeached by the House of Commons of high treason. From his going thither (which was in August) till toward the end of November, the earl spent his time in disposing the people of Northumberland and the bishopric of Durham to the King's service and to a right understanding of the matters in difference, in the fortifying Newcastle and the river, whereby that harbour might be only in the King's obedience, in raising a garrison for that place and providing arms for a farther advance of the cause. Then he provided for the assistance of his friends in Yorkshire, whose condition grew every day more desperate. For the Parliament, finding the inconveniences of having no commander in chief in those parts, had caused their generalissimo, the earl of Essex, to send a commission to the lord Fairfax to command all the forces of Yorkshire and the adjacent counties in chief[2]; by which, in less time than could be reasonably imagined, he was able to draw together an army of five or six thousand horse and foot; so that York must presently have been swallowed up. 1642 June 29. 1643 Feb. 2.

263. But in the beginning of December the earl of Newcastle marched to their relief; and, having left a good garrison in Newcastle, and fixed such small garrisons in his way as might secure his communication with that port, to which all his am-

[1] [Book v. § 385.]

[2] [On Sept. 27, 1642, Parliament approved the election of lord Fairfax as general for the county (*Commons' Journ.* II. 785); his commission was ordered on Nov. 23 (Markham's *Life of T. Fairfax*, 1870, p. 66), and he received it on Dec. 3 (*Rushworth*, III. ii. 91).]

1643 munition was to be brought, with [1] a body of near three thousand foot and six or seven hundred horse and dragoons, without any encounter with the enemy, (though they had threatened loud,) Dec. 3 [2]. he entered York, having lessened the enemy's strength, without blood, both in territories and men. For as soon as he entered Yorkshire two regiments raised in Richmondshire and Cleveland dissolved of themselves, having it yet in their choice to dwell at home or to leave their houses to new comers. The earl, being now master of the north as far as York, thought rather of forming an army, and providing money to pay it, than of making any further progress in the winter; and therefore suffered the lord Fairfax to enjoy the southern part of that large rich county till the spring and his improved posture should enable him to advance: yet few days passed without blows, in which the Parliament forces had usually the worst.

264. Shortly after the earl's coming to York, general King repaired to him [3], whom he made lieutenant general of his army, who, notwithstanding the unavoidable [4] prejudice of being a Scotchman, ordered his foot with great wisdom and dexterity: the charge of the horse being at the same time committed to general Goring, who by the Queen's favour, notwithstanding all former failings, was recommended to that province, and quickly applied himself to action: so that, though the lord Fairfax kept Selby and Cawwood, both within a small distance from York, the earl was absolute master of the field. And now the North yielding secure footing for those who had been unreasonably persecuted for their obedience to the King, the Queen herself thought of returning into England.

265. Her majesty had from her first going into Holland dexterously laboured to advance the King's interest, and sent very great quantities of arms and ammunition to Newcastle, (though by the vigilance of the Parliament agents in those parts and the power of their ships too much of it was intercepted,) with some

[1] ['and with,' MS.]

[2] [Gough Yorkshire MS. 22 in Bodl. Libr.; Nov. 30, Drake's *Eboracum*, p. 161.]

[3] [In the end of Jan. or beginning of Feb. See *Merc. Aulicus*, p. 74.]

[4] [This word is substituted for 'irreparable.']

considerable sums of money, and good store of officers, who by the connivance of the prince of Aurange came over to serve their own King. And from this extraordinary care of her majesty's, and her known grace and favour to the person of the earl of Newcastle, who she well knew had contracted many enemies by the eminency of his devotion to the King, that army was by the Parliament styled *the Queen's army* and *the Catholic army*, thereby to expose her majesty the more to the rude malice of the people, and the army to their prejudice; persuading them that it consisted of none but professed Papists, who intended nothing but the extirpation of the Protestants and establishing their own profession. 1643

266. About the middle of February the Queen took shipping from Holland, in a States' man-of-war assigned by the prince of Aurange with others for her convoy, and arrived safely in Burlington Bay upon the coast of Yorkshire; where she had the patience to stay on shipboard at anchor the space of two days, till the earl had notice to draw such a part of his forces that way as might secure her landing and wait on her to York; which he no sooner did, (and he did it with all imaginable expedition,) but her majesty came on shore, and for the present was pleased to refresh herself in a convenient house upon the very key, where all accommodations were made for her reception; there being many things of moment to be unshipped before she could reasonably enter upon her journey towards York. Jan. 19. Feb. 20[1]. Feb. 22.

267. The second day after the Queen's landing[2], Batten, vice-admiral to the earl of Warwick, (who had waited to intercept her passage,) with four of the King's ships, arrived in Burlington Road; and, finding that her majesty was landed, and that she lodged upon the key, bringing his ships to the nearest distance, being very early in the morning, discharged above one hundred cannon (whereof many were laden with cross-bar shot) for the space of two hours upon the house where her majesty was lodged: whereupon she was forced out of her bed, some of the shot making way through her own chamber, and to shelter herself under a bank in the open fields. Which barbarous and Feb. 23.

[1] [The fleet had been driven back by storms after being a fortnight at sea.]

[2] [After her arrival.]

1643 treasonable act was so much the more odious in that the Parliament never so far took notice of it as to disavow it[1]; so that many believed it was very pleasing to, if not commanded by, them, and that if the ships had encountered at sea they would have left no hazard unrun to have destroyed her majesty.

268. The Queen shortly after removed to York; and the King's affairs prospered to that degree, that, as the earl of Newcastle had before fixed a garrison at Newark in Nottinghamshire, which kept the forces of Lincoln from joining entirely with
Feb. 27. the lord Fairfax and had with great courage beaten off a formed body of the rebels who attempted it, so he now sent Charles Ca[ve]ndish, the younger brother of the earl of Devonshire, with a party volant of horse and dragoons into Lincolnshire; where,
March 23. about the middle of March, he assaulted Grantham, a new garrison of the rebels, which he took, and in it above three hundred prisoners, with all their officers, arms, and ammunition.
Scarborough given to King by treachery of governor
And about the same time, sir Hugh Cholmely, who had done very notable service to the Parliament, and oftener defeated the earl of Newcastle's troops (though he had been in truth hurried to that party rather by the engagement of sir John Hotham, with whom he had long friendship, than by his own inclination) than any officer of those parts, very frankly revolted to his allegiance; and, waiting on her majesty for her assurance of his
Mar.[21?]. pardon, delivered up the castle of Scarborough (a place of great importance) to the King; the command and government whereof was again by the earl committed to him, which he discharged with courage and singular fidelity. By this means, and those successes, the lord Fairfax quitted Selby, Cawwood, and Tadcaster, and retired to Pomfret and Halifax; whereby the earl was upon the matter possessed of that whole large county, and so able to help his neighbours. This was the state of that part of the North which was under the earl of Newcastle's commission: for Lancashire, Cheshire, and Shropshire were in a worse condition; of which, and the neighbour counties, it will be necessary in the next place to say somewhat, and of those first which lay farthest off.

§ 76. 269. We have said before, that when the King left Shrews-

[1] [On March 10 the House of Lords ordered enquiry. *Journ.* V. 644.]

bury, and marched to meet the earl of Essex, (which he did at Edgehill,) all his designs being to come to a battle, and the opinion of most that a battle would determine all, he was to apply all the strength and forces he could possibly raise to the increasing his army; so that he left no one garrison behind him, but relied upon the interest and authority of the lord Strange, (who was, by the death of his father, now earl of Darby,) to suppress all commotions and insurrections which might happen in the counties of Lancashire and Cheshire; which his lordship was confident he should be able to do, and was then generally believed to have a greater influence upon those two counties, and a more absolute command over the people in them, than any subject in England had in any other quarter of the kingdom. The town of Shrewsbury, and that good county, (where he had been so prosperous, and by which the people were more engaged,) he intrusted only to that good spirit that then possessed it, and to the legal authority of the shrieves and justices of the peace. And it fared in those counties as in all other parts of the kingdom, that the number of those who desired to sit still was greater than of those who desired to engage of either party; so that they were generally inclined to articles of neutrality. And in Cheshire, the active people of both sides came to those capitulations with as much solemnity as had been in Yorkshire, and with the same declaration (so much the same that there was no other difference but alterations of names and places) were absolved from the observation of them. And then sir William Bruerton, (a gentleman of a competent fortune in that county, and knight for that shire in Parliament, but most considerable for a known averseness to the government of the Church,) bringing with him from London a troop of horse and a regiment of dragoons, marched thither to protect those who were of that party, and under such a shelter to encourage them to appear.

1643

1642 Dec. 23.

1643 Jan. 7.

Jan. 28.

270. The city of Chester was firm to the King, by the virtue of the inhabitants and interest of the bishop and cathedral men, but especially by the reputation and dexterity of Mr. Bridgeman, son to the bishop, and a lawyer of very good

1643 estimation, who not only informed them of their duties and encouraged them in it, but upon his credit and estate, both which were very good, supplied them with whatsoever was necessary for their defence: so that they were not put to be honest and expensive together. But as they had no garrison of soldiers, so they had no officer of skill and experience to manage and direct that courage which at least was willing to defend their own walls: which they were now like to be put to. Therefore the King sent thither sir Nicholas Byron, a soldier of very good command, with a commission to be colonel general of Cheshire and Shropshire, and to be governor of Chester; who, being a person of great affability and dexterity as well as martial knowledge, gave great life to the designs of the well affected there, and, with the encouragement of some gentlemen of North Wales, in a short time raised such a power of horse and foot as made often skirmishes with the enemy, sometimes with notable advantage, never with any signal loss; so that sir William Bruerton fortified Nantwich, as the King's party did Chester: from which garrisons, (which contained both their forces,) they contended which should most prevail upon, that is most subdue, the affections of the county to declare for and join with them. But the fair expectation of Cheshire was clouded by the storms that arose in Lancashire, where men of no name and contemned interest, by the mere credit of the Parliament and frenzy of the people, on a sudden snatched that large and populous county from their devotion to the great earl of Darby.

271. The town of Manchester had from the beginning (out of that factious humour which possessed most corporations, and the pride of their wealth) opposed the King and declared magisterially for the Parliament. But as the major part of the county consisted of Papists, of whose insurrections they had made such use in the beginning of the Parliament, when they had a mind to alarm the people with dangers, so it was confidently believed that there was not one man of ten throughout that province who meant not to be dutiful and loyal to the King: yet the restless spirit of the seditious party was so sedulous and industrious, and every one of the party so

ready to be engaged and punctually to obey, and on the other hand the earl of Darby so unactive, and through greatness of mind so uncomplying with those who were fuller of alacrity and would have proceeded more vigorously against the enemy, or through fear so confounded, that, instead of countenancing the King's party in Cheshire, which was expected from him, the earl insensibly found Lancashire to be almost possessed against him; the rebels every day gaining and fortifying all the strong towns, and surprising his troops, without any considerable encounter. And yet, so hard was the King's condition, that, though he knew those great misfortunes proceeded from want of conduct and of a vigorous and expert commander, he thought it not safe to make any alteration, lest the earl might be provoked, out of disdain to have any superior in Lancashire, to manifest how much he could do against him, though it appeared he could do little for him. Yet it was easily discerned that his ancient power there depended more upon the fear than love of the people, there being very many now in this time of liberty engaging themselves against the King that they might not be subject to that lord's commands. 1643

272. However, the King committing Lancashire still to his lordship's care (whose fidelity, without doubt, was blameless, whatever his skill and courage was,) he sent the lord Capel to Shrewsbury, with a commission of lieutenant general of Shropshire, Cheshire, and North Wales; who, being a person of great fortune and honour, quickly engaged those parts in a cheerful association, and raised a body of horse and foot, that gave sir William Bruerton so much trouble at Nantwich that the garrison at Chester had breath to enlarge its quarters and to provide for its own security; though the enemy omitted no opportunity of infesting them, and gave them as much trouble as was possible. And it cannot be denied but sir William Bruerton and the other gentlemen of that party, (albeit their education and course of life had been very different from their present engagements, and for the most part were very un- Apr. 6[1].

[1] [Confirmation by the King of a commission granted by prince Rupert on Apr. 4. Black's *Docquets of Letters Patent* 1642–6, pp. 24, 57.]

1643 promising to matters of courage, and therefore were too much contemned enemies,) executed their commands with notable sobriety and indefatigable industry, (virtues not so well practised in the King's quarters,) insomuch as the best soldiers who encountered with them had no cause to despise them. It is true, they had no other straits and difficulties to struggle with than what proceeded from their enemy, being always supplied with money to pay their soldiers and with arms to arm them; whereby it was in their power not to grieve and oppress the people; and thereby (besides the spirit of faction that much governed) the common people were more devoted to them, and gave them all intelligence of what might concern them. Whereas they who were intrusted to govern the King's affairs had intolerable difficulties to pass through, being to raise men without money, to arm them without weapons, (that is, they had no magazine to supply them,) and to keep them together without pay; so that the country was both to feed and clothe the soldier, which quickly inclined them to remember only the burden and forget the quarrel.

273. And the difference in the temper of the common people of both sides was so great, that they who inclined to the Parliament left nothing unperformed that might advance the cause, and were incredibly vigilant and industrious to cross and hinder whatsoever might promote the King's: whereas they who wished well to him thought they had performed their duty in doing so, and that they had done enough for him that they had done nothing against him.

274. Though, by this sending the lord Capel, those counties of Shropshire and Cheshire, with the assistance of North Wales, kept those parts so near their obedience that their disobedience was not yet pernicious to the King in sending assistance to the earl of Essex against his majesty or to the lord Fairfax against the earl of Newcastle, yet those counties which lay in the line between Oxford and York were, upon the matter, entirely possessed by the enemy. The garrison of Northampton kept that whole county in obedience to the Parliament, save that from Banbury the adjacent parishes were

forced to bring some contribution thither. In Warwickshire 1643
the King had no footing; the castle of Warwick, the city of Coventry, and his own castle of Killingworth, being fortified against him. The lord Grey, son to the earl of Stamford, had the command of Leicestershire, and had put a garrison into Leicester. Darbyshire, without any visible party in it for the King, was under the power of sir John Gell, who had fortified Darby. And all these counties, with Staffordshire, were united in an association against the King, under the command of the lord Brook, who was by the earl of Essex made general of that association; a man cordially disaffected to the government of the Church, and upon whom that party had a great dependence. This association received no other interruption from or for the King than what colonel Hastings gave; who, being a younger son to the earl of Huntingdon, had appeared eminently for the King from the beginning, having raised a good troop of horse with the first, and in the head thereof charged at Edgehill.

275. After the King was settled at Oxford, colonel Hastings, with his own troop of horse only and some loose officers which he easily gathered together, went with a commission into Leicestershire of colonel general of that county, and fixed himself at Ashby de la Zouch, the house of the earl of Huntingdon, his father, who was then living; which he presently fortified; and, in a very short time, by his interest there raised so good a party of horse and foot that he maintained many skirmishes with the lord Grey: the King's service being the more advanced there by the notable animosities between the two families of Huntingdon and Stamford, between whom the county was divided passionately enough, without any other quarrel. And now the sons fought the public quarrel with their private spirit and indignation. But the King had the advantage in his champion, the lord Grey being a young man, of no eminent parts, and only backed with the credit and authority of the Parliament, whereas colonel Hastings, (though a younger brother,) by his personal reputation had supported his decaying family, and by the interest of his family, and the affection that people bore to him, brought, no doubt, an addition

1643 of power to the very cause; insomuch as he not only defended himself against the forces of the Parliament in Leicestershire, but disquieted sir John Gell in Darbyshire, and fixed some convenient garrisons in Staffordshire.

276. About the same time, some gentlemen of that county, rather well affected than well advised, before they were well Feb. enough provided to go through their work, seized [on[1]] the Close in Leitchfield for the King; a place naturally strong, and defended with a moat and a very high and thick wall; which in the infancy of the war was thought a good fortification. To suppress this growing force within the limits of his association the lord Brook advanced with a formed body of horse, foot, and cannon, part drawn from the earl of Essex's army, and the rest out of the garrisons of Coventry and Warwick; and, without any resistance, entered the city of Leitchfield, which, being unfortified, was open to all comers. The number in the Close was not great, nor their provisions such as should have been, and very well might have been, made; so that he made no doubt of being speedily master of it, sir John Gell having brought up a good addition of strength to him from Darby. He was so far from apprehending any danger from the besieged that himself lodged in a house within musket-shot of the Close; March 2. where, the very day he meant to assault it, sitting in his chamber, and the window open, he was from the wall of the Close by a common soldier shot with a musket in the eye, of which he instantly died without [a] word.

277. There were many discourses and observations upon his death, that it should be upon St. Chad's day, (being the [second] day of [March[2]],) by whose name, (being a bishop shortly after the first planting of Christianity in this island,) that church had been anciently called. And it was reported that in his prayer that very morning, (for he used to pray publicly, though his chaplain were in the presence,) he wished, 'that if the cause he were in were not right and just, he might be presently cut off.' They who were acquainted with him believed him to be well natured and just, and rather seduced and

[1] ['of,' MS.] [2] ['being the [*blank*] day of February,' MS.]

corrupted in his understanding than perverse and malicious. Whether his passions or conscience swayed him, he was undoubtedly one of those who could have been with most difficulty reconciled to the government of the Church or State: and therefore his death was looked upon as no ill omen to peace, and was exceedingly lamented by that party, which had scarce a more absolute confidence in any man than in him. However, it brought not that relief to the besieged in the Close as was believed it would; for the same forces, under sir John Gell, proceeded so vigorously in the work, and they within so faintly or unskilfully, that without any of that distress which men thought it might bear, and which it did within a short time after bear against the King[1], the place was yielded without other conditions than of quarter; by which many persons became prisoners, of too good quality to have their names remembered. 1643 March 5.

278. By this prize, the spirits of that party were much exalted, and the King's party in those parts as much cast down. Yet some gentlemen betook themselves to the town of Stafford, and having too much declared for the King, when they thought Leitchfield would have been of strength to secure them, to hope to live unhurt at their houses, resolved to defend that place; against which the triumphant Gell drew his late fleshed troops. But the earl of Northampton, (who intended the relief of Leitchfield, if they had had any patience to expect it,) with a strong party of horse and dragoons from his garrison of Banbury came seasonably to their succour, and put himself into the town; and the same night beat up a quarter of the enemy's, in which he killed and took above one hundred of their horse. Sir John Gell retired so far as to meet with sir William Bruerton, who, from Nantwitch, was coming to join with him for the subduing of Stafford; and, having done that, resolved to march in a body for the clearing the other counties. When they were joined, being near 3000 foot and horse, with a good train of artillery, they moved back

[1] [It endured a ten days' siege before its surrender to prince Rupert on Apr. 20 in the same year.]

1643 towards Stafford, imagining the earl of Northampton would meet them without the walls: and it so fell out; for the earl no sooner heard that the rebels were drawing towards the town, but he drew out his party to encounter them, imagining it could be only Gell, whose numbers he understood, and whose courages he much undervalued.

March 19. 279. It was on a Sunday, about the middle of March, when, in the afternoon, he marched out of Stafford; his party consisting of horse and dragoons and some few foot, the whole number being under one thousand, and found the enemy in very good order, expecting them upon a plain called Hopton-heath, some two miles from Stafford. Though the number was more than double to the earl's, yet the heath seeming very fair, the breadth of it being more than musket-shot from enclosure on each side, and the number of his horse being at least equal to the other, he resolved to charge them; and accordingly did it, with so good success that he totally routed that part of their horse; and rallying again his men, he charged the other part of their horse, which stood more in shelter of their foot, and so totally routed and dispersed them that the enemy had scarce a horse left upon the field, and took likewise from them eight pieces of cannon.

280. In this second charge the earl of Northampton, being engaged on the execution very near or amongst their foot, had his horse killed under him. So that his own horse (according to their unhappy practice) with too much fury pursuing the chase, he was left encompassed by his enemy, so that what his behaviour was afterwards, and their carriage towards him, can be known only by the testimony of the rebels; who confessed that, after he was on his feet, he killed with his own hand the colonel of foot who made first haste to him, and that after his headpiece was stricken off with the butt-end of a musket, they offered him quarter, which they say he refused, answering, that 'he scorned to take quarter from such base rogues and rebels as they were.' After which, he was slain by a blow with a halbert on the hinder part of his head, receiving at the same time another deep wound in his face.

281. All this time the enemy's foot stood, which (after their horse were dispersed) sir Thomas Byron, who commanded the prince of Wales's regiment, (a gentleman of great courage and of very good conduct,) charged with good execution. But the night came on apace, and the field which they thought so fair was found full of coal-pits and holes dangerous for their horse; so that they thought fit to forbear farther action till they might have the morning's light, and stood all that night in the field. When the morning appeared, there was no enemy to be seen. For, as soon as the fight ended, and the night drew on, that they were unperceived, they had left the field, in hope that their scattered horse would find them in quarters more remote from the danger. But the victorious party was so harassed with duty, and tired with the fight, so cast down with the loss of their general, and so destitute of officers to direct and command what was to be next done, (for the lord Compton, the earl's eldest son, had received a shot in the leg, sir Thomas Byron a shot in the thigh, whereby they were not able to keep the field, and many other officers hurt,) that they retired to refresh themselves at Stafford, after they had taken the spoil of the field and buried their dead. 1643

282. In this fight, which was sharp and short, there were killed and taken prisoners of the Parliament party above 200, and more than that number wounded; for the horse charging among their foot, more were hurt than killed. Eight pieces of their cannon and most of their ammunition was likewise taken. Of the earl's party were slain but 25, whereof there were two captains, some inferior officers, and the rest common men; but there were as many hurt, and those of the chief officers. They who had all the ensigns of victory but their general, thought themselves undone; whilst the other side, who had escaped in the night, and made a hard shift to carry his dead body with them, hardly believed they were losers:

> **Et, velut æquali bellatum sorte fuisset,**
> **Componit cum classe virum———**

283. The truth is, a greater victory had been an unequal recompense for a less loss. He was a person of great courage,

1643 honour, and fidelity, and not well known till his evening, having, in the ease and plenty and luxury of that too happy time, indulged to himself with that license which was then thought necessary to great fortunes: but from the beginning of these distractions, as if he had been awakened out of a lethargy, he never proceeded with a lukewarm temper. Before the standard was set up, he appeared in Warwickshire against the lord Brook, and as much upon his own reputation as the justice of the cause, (which was not so well then understood,) discountenanced and drove him out of that county; afterwards took the ordnance from Banbury castle, and brought them to the King. As soon as an army was to be raised, he levied, with the first, upon his own charge a troop of horse and a regiment of foot, and (not like other men, who warily distributed their family to both sides, one son to serve the King, whilst the father or another son engaged as far for the Parliament) entirely dedicated all his children to the quarrel, having four sons officers under him, whereof three charged that day in the field: and, from the time he submitted himself to the profession of a soldier, no man more punctual upon command, no man more diligent and vigilant in duty. All distresses he bore like a common man, and all wants and hardnesses as if he had never known plenty or ease; most prodigal of his person to danger, and would often say that 'if he outlived these wars, he was certain never to have so noble a death.' So that it is not to be wondered, if, upon such a stroke, the body that felt it thought it had lost more than a limb.

284. As soon as it was known where the enemy rested after their retreat, the young earl of Northampton sent a trumpet to sir J. Gell to desire the body of his father, that he might give it such decent burial as became him. Gell and Bruerton jointly by letter demanded in exchange for the dead body all their ammunition, prisoners, and cannon they had lost at the battle; which demands being so unreasonable, and against the law of arms, the earl sent again to them, to desire that, if they would not return the corpse, his[1] surgeon might have leave to embalm it, whereby it might be preserved to receive those rights when

[1] ['that his,' MS.]

they should be willing to gratify him, which he presumed upon more dispassioned thoughts they would be. Their answer to this was as unreasonable as the other, 'that they would neither send the body nor permit his surgeons to embalm it'; presuming, it is probable, that the piety of the son would have prevailed to have their unheard of propositions complied with. 1643

285. And so we shall for the present leave these parts, and visit the principality of Wales, of which hitherto very little hath been said, and from the affection whereof the King had from the beginning a very great benefit; it having supplied him with three or four good regiments of foot, in which many of their gentry were engaged, before the battle of Edgehill.

286. It hath been before remembered that the marquis of Hartford drew with him out of Wales, and brought to Oxford about Christmas, near two thousand men, leaving Wales guarded only with the courage and fidelity of the gentry and inhabitants. After that, North Wales lying most convenient to back Chester and Shrewsbury, which places, whilst the enemy was master of the field, received their chief supplies of men and provisions from thence, the King always put it under the government of those to whom he committed those parts. South Wales, which is much the larger and richer part of that dominion, he committed to the charge of the lord Harbert, eldest son to the marquis of Worcester, whom he made his lieutenant general, adding Monmouthshire to his commission. § 237. Apr. 6.

287. There were, in the opinion of many, great objections against committing that employment to that noble lord, whose person many men loved and very few hated. First, he had no knowledge or experience in the martial profession; then, his religion, being of that sort of Catholics the people rendered odious by accusing it to be most Jesuited, men apprehended would not only produce a greater brand upon the King of favouring Papists and Popery than he had been yet reproached with, (for, though he had some Papists entertained in his armies, yet all men trusted by him in superior commands were men of unblemished integrity in the Protestant religion; and in all his armies he had but one general officer of the contrary

1643 religion, sir Arthur Aston, whom the Papists notwithstanding would not acknowledge for a Papist;) but would give[1] opportunity and excuse to many persons of quality, and great interest in those counties, (between whom and that lord's family there had been perpetual feuds and animosities,) to lessen their zeal to the King's cause out of jealousy of the other's religion. And those contestations had been lately improved with some sharpness by the lord Harbert's carriage towards the lord marquis Hartford during the time of his residence there, when, out of vanity to magnify his own power, he had not shewed that due regard to that of the other which he should have had. And no doubt, (if he had been of that mind,) it would much more have advanced the King's service if he would have contributed his full assistance to another, who more popularly might have borne the title of such a command.

288. But, on the other side, the necessity of disposing those parts, divided from the rest of the kingdom, under the command of some person of honour and interest, was very visible, and the expedition in doing it was as penal and necessary; the Parliament being possessed of Gloster and Bristol, and so having such an influence upon the trade and livelihood of that people by their absolute command of the Severn, that except there were extraordinary care of keeping them they would be quickly lost. Besides that at the same time there was discourse in the Houses of sending the earl of Pembroke thither, whose estate was very great in those parts, and his reputation equal. Then, the Parliament had already such a footing in Pembrokeshire that many of the principal gentlemen had declared for them, and the harbour of Milford Haven gave their fleet opportunity to give them all supplies and relief. This being the state of those parts, the lord Harbert not only offered but desired to receive that command, and engaged himself not only to secure it from the opposition and malignity of the

[1] [These three words have by a mistake been altered by Clarendon in the MS. to 'this gave,' thereby dislocating the sentence. By the alteration, however, he appears to show that what at first was only an apprehension became realized in fact.]

other party, but before the spring to raise such a strength of 1643
horse and foot, and to provide such an equipage to march with, that might reduce Gloster, and be then added to the King's army when he should be ready to take the field; and all this so much at his own charge, (for his father, who was well able, would furnish money, as was pretended[1], upon the King's promise to repay him when he should be restored to his own,) that he would receive no part of the King's revenue, or of such money as he could be able to draw for the supply of his own more immediate occasions. This was a very great offer, and such as no man else could so reasonably make. For the marquis of Worcester was generally reputed the greatest monied man of the kingdom; and probably might not think it an unthrifty thing rather to disburse it for the King, who might be able to repay it, than to have it taken from him by the other party, which would be hardly questionable if they prevailed.

289. The lord Harbert himself was a man of more than ordinary affection and reverence to the person of the King, and one who, he was sure, would neither deceive nor betray him. For his religion, it might work upon himself, but could not disquiet other men, for though he were a Papist, he was never like to make others so; and his reputation and interest was very great with many gentlemen of those counties, who were not at all friends to his religion. It was not possible to employ any person of interest and power in those parts, (and there were many objections from the nature and manners of that people against a mere stranger,) against whom there would not be some faction and animosity, (for the emulations and dissensions between families was general and notorious;) and therefore it would be best to choose such a one who was like to have a greater faction for him than against him. And it was to be hoped that the old grudges and prejudice, which had been rather against the house of Worcester, and the Popish religion professed there, than against the person of this lord, would have been composed and declined by his fair and gentle carriage towards all

[1] [The words 'as was pretended' have been interlined by Clarendon, in his later hand.]

1643 men, (as in truth he was of a civil and obliging nature,) and by the public-heartedness of those who, for the cause and conscience sake, would (it was hoped,) sacrifice all trivial and private contentions to a union that must vindicate the religion, honour, and justice of the kingdom.

290. Upon these reasons and these presumptions, the King granted such a commission as is before mentioned to the lord Harbert; who, with more expedition than was expected by [many][1], or by others believed possible, raised a body of above fifteen hundred foot and near five hundred horse, very well and sufficiently armed; which increased the merit of the service.

291. The horse he put under the command of his brother, the lord John Somerset, a maiden soldier too; and the foot under colonel Lawly, (whom he made his major general,) a bold and a sprightly officer. About the middle of February he marched
Feb. towards Gloster, with an ill omen at his setting out; for a rabble of country people being got together, without order or officer of name, barricadoed a little village in the forest of Deane (called Cover [Coleford]), through which he was to pass, and refused to give him entrance; and out of a window killed colonel Lawly and two officers more, without hurting a common soldier; whereby that body was destitute of any person of experience to command them. However, the lord Harbert, (who was himself seldom with his forces,) shortly after placed colonel Brett in that command, who, without any skirmish of importance, marched through the forest of Deane, and fixed a quarter which contained his whole body at the Vineyard, the bishop of Gloster's palace, within less than half a mile of Gloster; and by that means, there being only a long bridge over the Severn by which men could come out or go into Gloster, he fully blocked up the town on that side, expecting that prince Morrice from Ciceter should take equal care to distress it on the other; which he did to a good degree.

292. But sir William Waller, with a light party of horse and dragoons, near two thousand, from the earl of Essex his army, had made a quick march through Wiltshire, (after his taking

[1] ['any,' MS.]

of Chichester,) and taking with little loss and trouble a small 1643
garrison of the King's, consisting of about six or seven score[1],
at Malmesbury, before it was fortified or provided, made a face March 22.
of looking towards Ciceter; where when he found he was expected, by a sudden night march, (in which he was very dexterous and successful,) he posted to the river of Severn, six miles west of Gloster, from whence he had appointed many flat boats to meet him; and in them, in the light day, the guard of the March 24.
river being either treacherously or sottishly neglected by the lord Harbert's forces, transported his whole body, which upon the advantage of that pass might have been resisted by a hundred men. Hereupon the consternation was so great amongst the new Welsh soldiers, very few of their officers having ever seen an enemy, that, though their works were too good to be entered by horse and dragoons, though the avenues were but narrow, in all which they had cannon planted, and their numbers very near if not fully equal to the enemy, upon the advance of sir William Waller upon them, without giving or receiving blow, they fairly sent out to treat, and as kindly delivered up March 25.
themselves and their arms upon the single grant of quarter. A submission so like a stratagem, that the enemy could hardly trust it. Yet, in the end, they made a shift to put near thirteen hundred foot and three troops of horse prisoners into Gloster, the lord Harbert himself being at that time at Oxford, and the lord John Somerset with three or four troops at a safe distance from the rest.

293. This was the end of that mushrump-[mushroom]-army, which grew up and perished so soon that the loss of it was scarce apprehended at Oxford, because the strength, or rather the number, was not understood. But if the money which was laid out in the raising, arming, and paying that body of men, which never advanced the King's service in the least degree, had been brought into the King's receipt at Oxford to have been employed to the most advantage, I am persuaded the war might have been ended the next summer. For I have heard the lord Harbert say, that those preparations, and the other

[1] ['about 300,' *Mercurius Aulicus*, p. 148.]

1643 which by that defeat were rendered useless, cost above threescore thousand pounds; whereof, though much came from the marquis's coffers, yet, no doubt, the general contribution from the Catholics made a good part; and very considerable sums were received by him of the King's revenue upon wardships and other ways: for it was a common practice in those times for men to get into employments upon promises that they would not do this or that without which nobody else would undertake that service; and being upon those terms received into it, they immediately did the other, because no other man could do the service without it.

294. The fame of this prodigious victory so subdued all those parts, that sir William Waller, with the same spirit of celerity, and attended by the same success, flew to Hereford; and, being
April 25. a walled town, and replenished with a garrison, had that likewise delivered to him upon the same terms as the other was; and from thence (being with more confidence refused to be admitted into Worcester than he thought reasonable to require it)
April 12. passed to Tewkesbury[1], which he likewise surprised, being newly garrisoned; his motion being so quick, that though prince Morrice attended him with all possible diligence, he could never farther engage him than in light skirmishes; and, having taken this progress, returned safe to Gloster, and from thence to the earl of Essex's army; having made no other use of his conquests than the dishonouring so many places which had so quietly yielded to him; into which (for he fixed no one garrison) the King's forces immediately entered again. So that his majesty's quarters continued the same they were, harassed only and discountenanced, nothing straitened, by this incursion; and the lord Harbert again intended new levies.

295. Having now, with as much clearness as I could, remembered the true state of the King's affairs and the condition of the kingdom at the end of this year 1642, with which I intend to conclude this sixth book, I shall, before I return to Oxford to conclude the year, briefly call to remembrance the disconsolate state of Ireland; of which advantage was always taken

[1] [Tewkesbury was taken a fortnight before Hereford.]

against the King, to render him odious to the people as if he countenanced, at least not sufficiently abhorred, that wicked and unnatural rebellion. And this imputation was with so great art insinuated, that it got credit with many; insomuch as I have heard some who could make no other excuse for adhering to the Parliament than that they were persuaded that the King favoured those rebels, which, they said, could not be without some design upon the religion, liberty, and prosperity of England. Whereas I can aver truly, upon as good grounds as ever any man spoke the heart of another, that the King always looked upon it as the most groundless, bloody, and wicked rebellion that ever possessed the spirits of that people, and was not more grieved at any one circumstance of the domestic distraction than as it hindered him from chastising and taking vengeance upon the other, which from his soul he desired. 1643

296. But in this discourse of Ireland, it cannot be imagined, neither do I intend, to mention any of the memorable actions, (in which were as great instances of God's own detestation of those inhuman rebels, by the signal victories He gave against them,) or other transactions within that kingdom; but shall remember no more of that business than had immediate reference to and dependence on the difference between the King and the two Houses of Parliament.

297. It is said before, that, when the first visible rupture was declared between them, which was in the business of Hull, (which the King understood to be a direct levying of war against him,) in the protestation made by his majesty that he would no farther treat or concur with them in any acts proposed by them till he first received reparation or satisfaction in that particular, he always excepted what should any way concern Ireland[1], in which he offered to consent to whatsoever might reasonably conduce to the reducing those rebels; and did, after that, concur in some propositions of that nature. Yet it is certain that from that time the two Houses were so busy in preparing the war for England, that they did very little

[1] [See book v. §§ 93, 113.]

1643 May 5. Aug. 13[1]. advance the war of Ireland, save only by some small supplies of money and provisions. The King objected to them the employing the monies raised by Acts of Parliament for the preservation and reduction of Ireland, with a special clause that the same should not be diverted to any other use whatsoever, in the supporting the unnatural war and rebellion against his majesty, particularly one hundred thousand pounds at one time; and that many soldiers raised under pretence of being sent into Ireland, were, contrary to their expectation and engagement, forced to serve under the earl of Essex against the King; of which he named sir Faithful Fo[rte]skue's regiment of horse, and the lord Wharton's and the lord Kerry's regiments of foot.

298. To this they answered[2], 'that albeit they had, upon the urgent occasions of this kingdom, sometimes made use of the monies raised and collected for Ireland, yet that they had in due time repaid it, and that the other affairs had never suffered by the loan: and for the men, that it proceeded from his majesty's own default; for after they had raised them, with a serious intention to send them into Ireland under the command of the lord Wharton, the King refused to grant a commission to him to transport them, and so they had been compelled to use them in their own service here.'

299. The King replied, that 'it appeared they had diverted that money to other uses than those for which it was provided; which was manifestly unlawful; and that it did not appear they had again reimbursed it, because very little supply was sent thither, and very much wanted: and for the soldiers, that they first levied them without his majesty's leave, which they had always before asked for their other levies, and, being levied, they desired a commission for the lord Wharton to command them absolutely, without any dependence upon the Lord Lieutenant of Ireland; which had been never heard of, and which his majesty refused, but offered such a commission as was granted to other men.'

[1] [Rushworth, III. ii. 318; Husbands, p. 565, but there is no mention of Fortescue, or of lords Wharton and Kerry, in the messages of either date.]

[2] [Cf. Husbands, 566–570.]

300. On the other hand, they objected to the King the seizing 1643
some cart-horses at Chester, provided for the train of artillery for Ireland; that his forces had taken many clothes and provisions on the road, which were going to Chester to be transported thither for the relief of the soldiers[1]; and that he entertained and countenanced men in his court which were favourers or actors in that rebellion, naming the lord viscount Costeloe and the lord Taffe, which gave great umbrage to those who were well affected, and as great encouragement to the rebels there[2].

301. To the first, the King confessed[3] he found about six Oct 27.
score horses at Chester, which had long lain there; and, at his remove from Nottingham, knowing the other horse and men raised for Ireland were then marching with the earl of Essex against him, he knew not but these likewise might be so likewise employed, and therefore in his own necessity took them for his own draughts. For the clothes which had been taken by his soldiers, that it proceeded by the default of the Parliament; who, after the war was begun, had sent those carriages through his quarters without sending to his majesty for a safe conduct, or giving any notice to him of it till after they were taken: that it was within two miles of Coventry (which was then in rebellion) that those clothes were taken; and that as soon as he knew they were designed for Ireland, his majesty had used the best means he could to recover them, but that the soldiers, who were almost naked, had divided them for their own supplies; and his majesty offered to give a safe conduct at all times for whatsoever should be designed for Ireland.

302. The occasion of the other reproach, for countenancing persons who adhered to the rebels, was this. The lords Dillon (viscount Costeloe) and Taffe had, four months before, passed out of Ireland into England, having never been in consort with the rebels, but so much trusted by them that they desired by their hands to address a petition to the King, humble enough, desiring only to be heard, and offering to submit to his majesty's

[1] [Cf. Husbands, 569.]
[2] [*Lords' Journals*, V. 418, Oct. 23; Husbands, p. 653, Oct. 25.]
[3] [Cf. Husbands, 681.]

1643 single judgment. With this petition, and all other instructions, (as they pretended,) these lords acquainted the Lords Justices and Council of Ireland, who were so well satisfied with the persons employed that they granted their safe pass, and sent letters by them of testimony. They were no sooner landed in England but they were apprehended, and sent prisoners to the
1641 Parliament, and by them committed with all strictness, as
Dec. 26. agents employed by the rebels of Ireland to the King, and that circumstance enforced and spread among the people with all licentious glosses against the King; who for that reason took no notice of their restraint, though from his ministers he received advertisement of the truth of the whole business. After some time was spent in close imprisonment, these lords, by petition and all other addresses they could make, pressed to be brought to any kind of examination and trial; of which they found no other benefit than that, upon this importunity, their imprisonment was less close, and by degrees, under a formal restraint, (which, though more pleasant, was not less costly,) had the liberty of London, and from thence, (after four months' restraint,) without being formally charged with any crime or
1642 brought to any trial, which they often desired, they escaped,
June 20. and came to York; whither a messenger from the House of Commons followed them, and demanded them as prisoners.

303. Many were of opinion that they should have been delivered back, foreseeing that the Parliament would press the scandal of sheltering them much to the King's disadvantage; and any imputations of countenancing the rebels of Ireland found more credit, and made deeper impression with the people, than any other discourses of protecting malignants and delinquents. On the other side, it was thought unreasonable to remit men to an imprisonment, which appeared to have been unjust by their not being proceeded against in so long time, especially when their coming to the King would be declared such a crime, that it would be now in their enemies' power to cause them to be punished, which before they could not do; at best, it were to deliver them up to the sergeant of the House of Commons, from whence no innocence could redeem them

without paying such vast fees as would amount to a greater sum than they could probably be supplied with. So that the King, who wished that they had rather gone any whither than where he was, resolved to take no notice of their escape. And so they continued in his quarters, and put themselves into the troops; where they behaved themselves with good courage, and frankly engaged their persons in all dangerous enterprises. 1643

304. In these jealousies and contests, the King being visibly and confessedly unable to send succours of any kind thither, and the Parliament having enough else to do, and in truth not taking so much pains to preserve it as to impute the loss of it to the King, poor Ireland got very small relief. The earl of Leicester, Lord Lieutenant for that kingdom, had received his despatch from the King before he went to Shrewsbury; but when the King thought he would have gone directly to Chester and so to Ireland, his lordship returned to London; which increased the King's jealousy and prejudice to him, which his former carriage, and a letter lately writ by him from Nottingham to the earl of Northumberland, and by order of Parliament printed, had begot to a great degree. Shortly after his return to London, the House of Commons demanded to see the instructions he had received from the King; which, as it was unreasonable in them, so he had received express command from the King not to communicate them. However, after he had avoided it as long as he could, and they continued peremptory in the demand, in the end he produced them to be perused by the committee of both Houses. The truth is, the earl's condition was very slippery, and almost impossible to be safely managed by the most dexterous person. 1642 Sept. 9. Sept. 26. Oct. 7. Oct. 10.

305. He was designed to that employment by the King shortly upon the death of the earl of Strafford, (or rather before, and not without some advice from that earl,) with as great circumstances of grace and favour as could be, and as a person of whom entirely the King assured himself, being then so ungracious to the Parliament that, as there were some sharp glances at him in that time, (which are before remembered[1],) so

[1] [Book iv, note to § 42; vol. I. p. 411.]

1643 nothing preserved him from a public exception but the interest of the earl of Northumberland, whose sister he had married, whom that party was not willing to irreconcile. After the rebellion was broke out in Ireland, and the King had committed the carrying on the war to the Houses, he thought it absolutely necessary for his province to render himself as gracious to that people as was possible; and laboured that with so good effect and industry that he omitted that care which should have been observed in continuing his interest at Court. For the King and Queen grew every day less satisfied with him; which sure he did not with wariness enough provide against, though I believe he had never unfaithful purposes towards either of them, but did sadly project by his demeanour and interest in the Houses to provide so well for Ireland, and to go thither in so good a condition, that, being once there, he might be able to serve the King as he should be required. But one man is rarely able to act both those parts.

306. For the shewing his instructions he gave a reason which, if he had been free from all other objections, might appear no ill excuse: 'He knew his instructions were such, that, being perused by the committee, could by no misconstruction, or possible perversion, be wrested to the King's disadvantage;' as indeed they never were able, nor ever attempted, to fix any reproach from them upon the King; 'whereas, after they were so peremptorily required, if he should have as peremptorily refused to submit, they would have concluded that there had been somewhat unjustifiable in them, and upon that jealousy made no scruple of publishing the worst reproaches upon his majesty.' And it may be he was not without an imagination, that if by this contest he had drawn the displeasure of the two Houses upon him, as could not be avoided, his misfortune at Court might have suffered that to have depressed him, and revenged itself upon the choler of the other. And when he left the King between Nottingham and Shrewsbury, his condition was so low, that a man might have imagined his interest would be best preserved by being within the verge of the Parliament's protection. As his return to London was beside the King's expectation, so his stay

there was longer than seemed to be [intended] by his own pro- 1643
posal; for he stayed there above two months, till after the battle of Edgehill and both parties being fixed in their winter quarters; and then, without waiting again on the King, though Oxford was very few miles out of his way, about the end of November he went to Chester, with a purpose of transporting himself for Ireland, but without the least appearance of addition of strength or provisions from the Parliament, neither were there ships there ready to transport him.

307. About the end of November, four officers of the army 1642. Nov.
in Ireland, sir James Montgomery, sir Hardress Waller, colonel Arthur Hill, and colonel Audly Mervin, having been employed from Ireland to solicit the Parliament for succours, came from London to Oxford, and delivered a petition to the King; in which they told him that

308. 'They had addressed themselves to the Parliament for supplies, whose sense of their miseries and inclination to redress appeared very tender to them; but the present distempers of the kingdom of England were grown so great, that all future passages, by which comfort and life should be conveyed to that gasping kingdom, seemed totally to be obstructed; so that unless his majesty, out of his singular wisdom and fatherly care, applied some speedy [cure [1]], his loyal and distressed subjects of that kingdom must inevitably perish.' They acknowledged 'his princely favour and goodness since this rebellion, so abundantly expressed in a deep sense and lively resentment of their bleeding condition;' and therefore they besought him, 'amongst his other weighty cares, so to reflect upon the bleeding condition of that perishing kingdom, that timely relief might be afforded: otherwise, his loyal subjects there must yield their fortunes as a prey, their lives a sacrifice, and their religion a scorn, to the merciless rebels, powerfully assisted from abroad.'

309. And indeed the condition of the Protestants in that kingdom was very miserable: for whilst the distractions of England kept them from receiving succours, the rebels had arms, ammunition, money, and commanders from Rome, Spain, and France; the Pope having sent a formal avowed nuncio, to whose jurisdiction the Irish submitted, and the Kings of France and Spain having sent great supplies, and their agents to countenance and foment the rebellion, who gave notable countenance to the assembly and formed council for the rebels, settled at Kilkenny.

[1] ['care,' MS.; 'remedy,' *Lords' Journals*, V. 484.]

1643 310. The King, who well knew this petition was sent by the permission of those at Westminster, and that the agents employed were men of notorious disaffection to him, who looked
1642 for some such answer as might improve the envy of the people,
Dec. 1. used the messengers with all possible grace, and returned them as gracious an answer:

311. 'That, from the beginning of that monstrous rebellion, he had had no greater sorrow than for the bleeding condition of that his kingdom. That he had by all means laboured that timely relief might be afforded to it, and consented to all propositions (how disadvantageous soever to himself,) that had been offered to him to that purpose; and not only at first recommended their condition to both his Houses of Parliament, and immediately, of his own mere motion, sent over several commissions, and caused some proportion of arms and ammunition (which the petitioners well knew to have been a great support to the northern parts of that kingdom) to be conveyed to them out of Scotland, and offered ten thousand volunteers to undertake that war; but had often pressed, by many several messages, that sufficient succours might be hastened thither, and other matters of smaller importance laid by, which did divert it; and offered, and most really intended, in his own royal person to have undergone the danger of that war, for the defence of his good subjects and the chastisement of those perfidious and barbarous rebels; and in his several expressions of his desires of treaty and peace, he had declared the miserable present condition and certain future loss of Ireland to be one of the principal motives most earnestly to desire that the present distractions of this kingdom might be composed, and that others would concur with him to the same end.'

312. He told them, 'He was well pleased that his offers, concurrence, actions, and expressions, were so rightly understood by the petitioners and those who had employed them, (notwithstanding the groundless and horrid aspersions which had been cast upon him;) but he wished that, instead of a mere general complaint (to which his majesty could make no return but of compassion,) they could have digested, and offered to him, any such desires by consenting to which he might convey, at least in some degree, comfort and life to that gasping kingdom, preserve his distressed and loyal subjects of the same from inevitably perishing, and the true Protestant religion from being scorned and trampled on by those merciless and idolatrous rebels. And if the petitioners could yet think of any such, and propose them to his majesty, he assured them that, by his readiness to consent and his thanks to them for the proposal, he would make it appear to them, that their most pressing personal sufferings could not make them more desirous of relief, than his care of the true religion and of his faithful subjects, and of his duty, which obliged him, to his power, to protect both, rendered him desirous to afford it to them.'

313. The King being fully informed now, as well by this committee as from his ministers of state in that kingdom, of the growing power of the rebels in Ireland, and of the weak

resistance his good subjects were like to make, whose only hopes depended upon those succours which they presumed the Lord Lieutenant would bring over with him, and that he was now going thither without the least addition of strength, or probable assurance that any would be sent after him; his majesty considered likewise, that, besides the damp this naked arrival of the Lord Lieutenant there must cast upon the minds of all, it would make likewise a great alteration in the conduct of affairs there. For upon his landing, the commission to the earl of Ormonde of lieutenant general of the army would be determined; and there had those jealousies and disrespects passed between the earl of Leicester and him, that the earl of Ormonde was resolved no more to continue that command, but immediately to transport himself out of that kingdom; by which the King should lose the service of a person much the most powerful, most able, and most popular, within that province, and who had, with wonderful courage and conduct and almost miraculous success, hitherto restrained the rage and fury of the rebels, and, indeed, a man so accomplished that he had either no enemies or such who were ashamed to profess they were so. 1643

314. Upon these considerations the King thought fit, for some time, till he might farther weigh the whole business, to suspend the earl of Leicester's journey: and therefore sent to him to Chester (where he had lain, in some indisposition of health, above a fortnight, and the ships being not yet come for his transportation) to attend his majesty at Oxford; which he did shortly after Christmas, and continued there; the King directing the earl of Ormonde (whom about this time he made a marquis) to carry on the war as he had done, and, during the absence of the Lord Lieutenant, to dispose of all places and offices in the army which became void; and likewise making an alteration in the civil power; for whereas sir William Parsons and sir John Burlasy had continued Lords Justices from and before the death of the earl of Strafford, the King, finding that sir William Parsons (who was a man of long experience in that kingdom, and confessed abilities, but always of suspected reputation) did him all imaginable disservice, and combined with 1642 Nov. 24. 1642 Aug. 30.

1643 the Parliament in England, about this time removed sir Wil-
March 30. liam Parsons from that trust, and in his room deputed sir Harry
March 31. Tichborne, a man of so excellent a fame, that though the Parliament was heartily angry at the remove of the other, and knew this would never be brought to serve their turn, they could not fasten any reproach upon the King for this alteration.

315. Another circumstance must not be forgotten. After
Oct. 4. the war broke out in England, the Parliament had sent over a couple of their members of the Commons (Mr. Raynolds and Mr. Goodwyn) as a committee into Ireland, to reside at Dublin, and had given direction to the Lords Justices that they should have leave to be present at all their consultations; which they had, and were no other than spies upon those who should presume to deliver any opinions there not agreeable to the sense of the Houses. When the King made that alteration in the government, he likewise took notice that strangers were admitted to be present at their debates, which had never been before practised, and therefore required them that it might be so no more. Hereupon their committee, (who had carried themselves very insolently and seditiously there, and with notable contempt of the King and his authority,) were by the Lords Justices and Council inhibited from being present at the Council, and there-
Feb. upon they quickly left the kingdom, and returned to London; the Parliament unreasonably and impudently accusing the King of a new breach of privilege for this disrespect to their members. This was the state of Ireland, the war being that spring prosperously carried on by the marquis of Ormonde, and the earl of Leicester still staying at Oxford with the title of Lord Lieutenant. And so we will return to Oxford and London.

316. Many days being past since the return of the committee of Lords and Commons from Oxford with the King's answer to their propositions, and no reply being made by the Houses, or indeed any solemn debate entered thereupon, (for his majesty had every day information of what passed amongst them, even in their most secret councils,) and, on the contrary, preparations more vigorously intended for the war than had been before, in

sending out strong parties to infest the King's quarters, (for, 1643
besides the incursions and progress of sir William Waller which
are before remembered, Mr. Hambden had made some attempts Jan. 27.
upon the Brill, a garrison of the King's upon the edge of Buck-
inghamshire, but without effect and with some considerable
loss,) in levying great numbers of men, for the recruiting the
earl of Essex's army, and designing new extraordinary ways for
the raising of money, and associating several counties of the
kingdom towards the raising new armies: the King, as well to
have the conveniency of sending to London, (of which journeys
he made good use,) as to quicken and necessitate them to some
reply, sent another message to them, putting them in mind of Feb. 20.
the proposition he had made for a cessation of arms, and desired
that, 'if they approved of a cessation, the day upon which they
thought fit it should begin, and such particulars, limits, and
conditions of it, as were necessary to be understood and agreed
on before the cessation itself could actually begin, might be
proposed by them. Since,' his majesty said, 'he supposed, by
the present great preparations of several forces to march several
ways, that, till all that should be agreed upon, they did not
conceive themselves obliged to an actual cessation, so neither
till then did his majesty conceive himself obliged to it: how-
ever, he wished it might be clearly understood between them,
that no such imputations as had been formerly might be
laid upon him, upon occasion of any thing that might inter-
vene.'

317. This message put a necessity upon them of entering again upon the argument, and gave them who desired peace and accommodation an opportunity to press for the debate, which had been craftily laid aside for the despatch of other matters; that party which was most deeply engaged in the war, and resolved to carry it on, having a notable dexterity in keeping those things from being debated in which they found their sense would not prevail. And at this time the number of those in both Houses who really desired the same peace the King did was (if they had not been overwitted by them) superior to the other. For, besides that many persons, who from the

1643 beginning had always dissented from them, for their ease and convenience had stayed amongst them, very many were convinced in their understandings that they had been misled, and discerned in what a bottomless gulf of misery the kingdom would be plunged if an immediate composure were not made; and some of those who had been as fierce as any, and given as great countenance to the kindling the fire, either out of conscience that they had done amiss, or fear that the King would prevail by power, or anger that they found other men valued above them in their present distraction, or their natural inconstancy even in ill, were most solicitous for a treaty. So that within few days after the receipt of this message both Houses
Feb. 28[1]. agreed 'that there should be a treaty, in which so much of the King's propositions as concerned the magazines, forts, and ships, and the proposition of both Houses for the disbanding the armies, should be first treated on and concluded, before the proceeding to treat upon any of the other propositions; and that the treaty should begin the fourth of March, or sooner if it might be; and that from the beginning the time should not exceed twenty days.'

318. The persons they made choice of to treat were the earl of Northumberland, the lord Say, Mr. Perpoint, sir William Armin, sir John Holland, and Mr. Whitlocke, for whose safe conduct they despatched a messenger to his majesty; this resolution being taken but the last day of February. As soon as
March 3. the request was presented, the King returned a safe conduct for the earl of Northumberland and the four commoners; but refused to admit the lord Say to his presence, upon the same exception he had formerly refused sir John Evelin at Col[n]ebrook, his lordship being personally excepted from pardon by a
Nov. 3. former proclamation; but signified, that if they would employ any other person not within the same rule, he should as freely come as if he were in the safe conduct.

319. Whether the lord Say was nominated by those who be-

[1] [This is the date of the final vote in Parliament, with regard alike to the treaty and cessation of arms, but the vote for the treaty itself had passed three days before the receipt of the King's message, viz. on Feb. 18.]

lieved they should be able, upon the refusal of him, (which they 1643
could not but foresee,) to break off all overtures of farther treaty, or whether they believed they had so far prevailed by underhand negociations at Oxford that he should be admitted, and that he would have been able to persuade the King to yield to what they proposed, or at least to have engaged the King to those who would have yielded to him, I know not; but as it was not so insisted on at Westminster as to break the treaty, so many were of opinion at Oxford that the King should have admitted him. They said, 'he was a wise man, and could not but know that it would not be possible for him to make any impression upon his majesty's judgment in the propositions in debate; and therefore that he would never have suffered himself to be designed to that negociation, (which, without doubt, by his interest in both Houses he might have prevented,) if he did not purpose to do some signal service to his majesty.' And indeed many believed that if he had come, and found the King's goodness inclined to pardon and trust him, that he would have done the best he could to redeem his former breaches. Others were of opinion that he was so far from being inclined to serve the King, or advance the treaty, that he should have been sent as a spy lest others should. And these were the thoughts both at Oxford and London. But the King, who knew the lord Say as well as any of them, believed that it was not in his power to do any good, and if it had, that it was not in his will, was resolved not to break his rule, lest such a remission might give advantage against him in the future, and so sent the answer above remembered.

320. Together with this desire of a safe conduct, they sent his majesty word that they had likewise consented that there Feb. 28.
should be a cessation of arms on either side, under the restrictions and limitations hereafter following:

321. 1. 'That all manner of arms, ammunition, victuals, money, bullion, and all other commodities, passing without such a safe conduct as may warrant their passage, may be stayed and seized on, as if no cessation were agreed on.

2. 'That all manner of persons passing without such a safe conduct as is mentioned in the article next going before, shall be apprehended, and detained, as if no such cessation were agreed on at all.

1643 3. 'That his majesty's forces in Oxfordshire should advance no nearer to Windsor than Wheatley, and in Buckinghamshire no nearer to Aylesbury than Brill; and that in Berkshire the forces respectively shall not advance nearer the one to the other than now they are: and that the Parliament forces in Oxfordshire shall advance no nearer to Oxford than Henley, and those in Buckinghamshire no nearer to Oxford than Aylesbury: and that his majesty's forces shall take[1] no new quarters above twelve miles from Oxford any way; and the Parliament forces shall take no new quarters above twelve miles from Windsor any way.

4. 'That no siege shall be begun or continued against Gloster, and that his majesty's forces now employed in the siege shall return to Ciceter and Malmsbury, or to Oxford, as shall be most for their convenience; and the Parliament forces which are in Glostershire shall remain in the cities of Gloster, Bristol, and the castle and town of Berkely, or retire nearer to Windsor, as they shall see cause: and that those of Wales which are drawn to Gloster shall return to their quarters where they were before they drew down to Glostershire.

5. 'That in case it be pretended on either side that the cessation is violated, no act of hostility is immediately to follow, but first the party complaining is to acquaint the lord general on the other side, and to allow three days after notice for satisfaction; and in case satisfaction be not given or accepted, then five days' notice to be given, before hostility begin, and the like to be observed in the remoter armies by the commanders in chief.

6. 'Lastly, that all other forces in the kingdom of England and dominion of Wales, not before mentioned, shall remain in the same quarters and places as they are at the time of publishing this cessation, and under the same conditions as are mentioned in the articles before. And that this cessation shall not extend to restrain the setting forth or employing of any ships for the defence of his majesty's dominions.

322. 'All which they desired his majesty would be pleased to ratify and confirm; and that this cessation might begin upon the fourth of March next, or sooner if it might be, and continue until the five and twentieth of the same month; and in the mean time to be published on either side; and that the treaty might likewise commence upon the same day; and the continuance thereof not to exceed twenty days.'

March 1. 323. These propositions were delivered to his majesty on the first of March, which was almost a month after the cessation had been proposed by him, (for his propositions were made on the third of February,) which administered cause of doubt that the overture was not sincere; since it was hardly possible that the cessation could begin so soon as the fourth, by which time, though the King should consent to the terms proposed upon sight, his answer could very hardly be returned to them. But

[1] ['make,' MS.]

the articles themselves were such as occasioned much debate 1643
and difference of opinion amongst those who desired the same thing. The King, after the examination of them with his Privy Council and at a council of war, made a committee out of each, to consider the inconvenience his consent to them might produce to his party, if that cessation and treaty did not produce a peace; and the inequality in them, if the overture passed from an equal enemy according to the rules of war. Some were of opinion that the cessation should be consented to by the King upon the articles proposed, though they should be thought unequal, not only because it would be an act of great grace and compassion to the people, to give them some respite and taste of peace, and the not consenting to it (the reason not being so easy to be understood) would be as impopular and ungracious, but that they believed it would at least cast the people into such a slumber that much of their fury and madness would be abated, and that they would not be easily induced to part with the ease they felt, and would look upon that party as an enemy that robbed them of it; that it would give an opportunity of charitable intercourse, and revive that freedom of conversation which, of itself, upon so great advantage of reason as they believed the King's cause gave, would rectify the understandings of many who were misled: but especially, that it would not only hinder the recruit of the earl of Essex's army, (for that no men would be so mad to declare themselves against the King when they saw a cessation in order to restoring the King to his rights,) but would lessen the forces he had already; in that the army consisted most of men engaged by the pay, not affection to the cause, who, upon such a remission of duty as would necessarily attend a cessation, would abandon a party which they foresaw upon a peace must be infamous, though it might be secure. And whereas all overtures of a treaty hitherto had advanced their levies upon pretence of being in a posture not to be contemned, they believed a real cessation would render those levies impossible.

324. Others thought any cessation disadvantageous enough to the King, and, therefore, that the terms upon which it was

1643 to be made were to be precisely looked to: that the articles proposed would only produce a suspension of present acts of hostility and blood amongst the soldiers, but gave not the least taste of peace or admitted the least benefit to the people; for that all intercourse and conversation was inhibited, insomuch as no person of the King's party, though no soldier, had liberty to visit his wife or family out of the King's quarters during this cessation; and the hindering recruits could only prejudice the King, not at all the earl of Essex, who had at present a greater army than ever before; and the city of London was such a magazine of men as could supply him upon very small warning. Besides, though the state of the King's army and quarters about Oxford was such as might receive some advantage by a cessation, yet in the West it was hoped his affairs were in the bud; and the earl of Newcastle was so much master in the North, that if a peace ensued not, (which wise men did not believe was seriously intended on the Parliament's part, by reason the propositions to be treated on were so unreasonable, and impossible to be consented to,) such a cessation would hinder the motion and progress of the earl's good fortune, and give time to the lord Fayrfax, (who was at present very low,) to put himself into such a posture as might give new trouble. And 'tis certain the northern forces had then great dread of this cessation.

325. To these considerations was added another of greater moment, and which could be less answered or poised by any access of benefit or advantage on the King's party. Hitherto the Parliament had raised their vast sums of money for the support of their army, (which could only be supported by constant great pay,) and the discharge of their other immense expenses incident to such a rebellion, from the city of London, and principally from their friends, not daring too rigidly to execute their ordinances generally, but contented themselves with some severe judgments upon particular men, whom they had branded with some extraordinary mark of malignancy, out of London, save only what they gleaned amongst their own zealots upon voluntary collections, and plundered by their army, which brought no supply to their common stock: and [of] what they

imposed upon cities and towns in which they had garrisons, (in which they had been likewise very tender,) they had received very little; not venturing yet by any general tax and imposition upon the people to inflame them, and inform them how far they meant to invade their liberty and their property, with the jealousy whereof they had blown them up to all those swellings and seditious humours against the King; and apprehending that if they should attempt that, any encouragement of strength from any of the King's armies would make the whole kingdom rise against them. 1643

326. But now, after they had agreed to a treaty, and framed even articles for a cessation, they passed an ordinance for a weekly assessment throughout the kingdom towards the support of the war; by which was imposed upon the city of London the weekly sum of ten thousand pounds, and upon the whole kingdom no less than a weekly payment of three and thirty thousand five hundred and eighteen pounds, amounting in the year to one million seven hundred forty-three thousand pounds [1]; a prodigious sum for a people to bear who before this war thought the payment of two subsidies in a year, which in the best times never amounted to above two hundred thousand pounds, and never in our age to above one hundred and fifty, an insupportable burden upon the kingdom; and indeed had very seldom borne the same under all the kings that ever reigned. For the speedy and exact collection whereof they appointed by the same ordinance commissioners in each county, such as were sufficiently inclined to, and engaged in, their designs. To this they added other ordinances, for exacting the twentieth part, and other payments, throughout the kingdom; which had been only undergone (and that not generally) in London; and, above all, for the sequestering and seizing of the estates of all who adhered to the King. Feb. 24.

327. Now if a cessation were consented to by the King, on the articles proposed, and thereby the King's forces locked up within the several limits and narrow bounds in which they were

[1] [In the margin are written, more correctly, the following figures, as the weekly and yearly sums: '£33518 3*s*., £1742943 16*s*.']

1643 contained, these ordinances might be executed throughout all their quarters, and thereby vast sums be raised. Their great association of Norfolk, Suffolk, Cambridge, Huntingdon, Bedford, and Essex, (in neither of which the King had any visible party or one fixed quarter,) upon which the apprehension of the earl of Newcastle's advance upon them kept them from notable pressures, would by this means yield them a great supply of men and money. In Somersetshire and Devonshire, whilst sir Ralph Hopton might hereby be kept from advancing, they might raise what they would, and might dispose of the stocks and personal estate of those whom they had and would declare to be malignant; and so this cessation, (besides the damage and prejudice to the loyal party,) would probably fill the rebels' coffers, the emptiness whereof was the most, if not only, probable way and means to determine the war.

328. These considerations made a deep impression upon those who believed the treaty was not like to produce a peace; the March 7. number of which was increased by a new resolution at this time, entered upon, and vigorously prosecuted, to fortify the city of London and to draw a line about it, which was executed with marvellous expedition; which many believed would not have been then done, both for the charge and jealousy of it, if it had not been resolved it should not yet return to the King's obedience. And many persons of honour and quality about the King, who had given great life to his affairs, were so startled with the sense of it, that they addressed themselves together to his majesty, and besought him, 'that they might not lose that now by an unequal cessation which had been preserved for them during the license of hostility, and that his and their enemies might not be that way enabled to destroy them, which yet they durst not attempt to do.' The King hereupon, after solemn debate in Council, the chief officers of his army being present, March 3. resolved to make such alterations in the articles as might make the terms a little more equal, at least prevent so intolerable disadvantages.

329. 1. To the first article as it was proposed by them, his majesty fully and absolutely consented.

330. 2. To the second likewise fully, as far as it concerned 1643
all officers and soldiers of the army; but proposed that all other his subjects,

'of what quality or condition soever, might, during the cessation, pass to and from the cities of Oxford or London, or any other parts of his majesty's dominions, without any search, stay, or imprisonment of their persons, or seizure and detention of their goods or estates: and that all manner of trade and commerce might be open and free between all his subjects, except between the officers and soldiers of either army, or for arms, ammunition, money, bullion, or victuals for the use of either army, without a pass or safe conduct: which,' his majesty told them, 'would be a good beginning to renew the trade and correspondence of the kingdom, and whereby his subjects might be restored to that liberty and freedom they were born to, and had so happily enjoyed till these miserable distractions; and which even during this war his majesty had to his utmost laboured to preserve, opening the way, by most strict proclamations, to the passage of all commodities even to the city of London itself.'

331. 3, 4, 5, 6. To these the King likewise consented, with two provisions:

1. 'That such ships as were necessary to be set forth should be commanded by such persons as his majesty should approve of. 2. That during the cessation none of his subjects should be imprisoned otherwise than according to the known laws of the land, and that there should be no plundering or violence offered to any of his subjects.'

332. The first of these was inserted, (without purpose of insisting on it,) lest by the King's consent to the article in the terms it was proposed, he might be thought to consent in any degree to their usurpation of the naval authority. And the second was to prevent the execution of the ordinances before mentioned.

333. And his majesty told them he hoped these small alterations

'would sufficiently manifest how solicitous he was for the good of his people, for whose liberties he should insist, when in matters merely concerning himself he might descend to easier conditions; and how desirous he was that in this unnatural contention no more blood of his subjects might be spilt, (upon which he looked with much grief, compassion, and tenderness of heart,) even of those who had lifted up their hands against him. And therefore he doubted not but both Houses would consent to them.' However, 'if any scruples should be made, he was willing that the commissioners for the treaty might nevertheless immediately come to him, and so all matters concerning the cessation might be there settled between them.'

1643 334. After this answer returned by the King, many days passed without any return to him; and in the mean time another address was made to his majesty, upon which the great managers at London had set their hearts more than upon the treaty, and for which indeed they deferred their treaty. They had still a great dependence and confidence upon their brethren of Scotland, and yet that people moved very slowly; and since the earl of Essex had been settled in his winter quarters there had been high quarrels between the English and Scotch officers, insomuch as upon some reproachful words which had been cast
March 16. out many swords were one day drawn in Westminster Hall, when the Houses were sitting, between them, and a little blood drawn, which (though the Houses industriously laboured to
March 22, 23. compose with declarations of their joint value and respect of that nation with their own, and that their deserts could only distinguish them) gave so great umbrage, that many of the Scots, some of eminent command, quit the service; and it was hoped it would have broke any farther national combination in mischieve.

335. But the general inclination to rebellion mastered those particular considerations and disobligations; and, about the end of February, to facilitate the King's consent to the grand proposition for the extirpation of episcopacy, (which the two Houses had been, by the arts before mentioned, wrought to make, when in truth there were very few of themselves desired it; as, when it passed the House of Peers, there were but five lords present,) there arrived at Oxford the earl of Lowden, Lord Chancellor of Scotland, and Mr. Alexander Henderson, a man of equal fame in the distractions that arose in that kingdom. The former came as a commissioner from the Lords of the Secret Council of that kingdom, or, as they then thought fit to call themselves, 'the conservators of the peace between the two kingdoms;' and desired to pass as a mediator in the differences between the King and the two Houses, and that the King would give them leave upon the matter to be umpires between them. The other, Mr. Henderson, had a special employment from the Assembly of the Kirk of Scotland, to present a petition from

that body to the King; the which, because it was then thought 1643
of a very strange nature and dialect, and because I shall always report the acts of that nation (as far as I am obliged to mention them) in their own words, I think very convenient to insert in this place.

336. But it will be first necessary, (for the better understanding one angry clause in it,) to remember, that, when the earl of Newcastle marched into Yorkshire, upon occasion of some aspersions published against him by the lord Fayrfax that his army consisted only of Papists and that his design was to extirpate the Protestant religion, the earl set forth a declaration[1] of the reasons of his marching into that country, which was, upon the desire of the principal gentlemen, to rescue and protect them from the tyranny of the Parliament; and then, taking notice of the scandalous imputations upon him in point of religion, after he had vindicated himself from the least suspicion of inclination to Popery, he confessed he had granted commissions to many Papists, which as he knew was in this case agreeable to the laws of the kingdom, so he believed it very agreeable to present policy; and that the quarrel between the King and the two Houses being not grounded upon any matter of religion, the rebels professing themselves to be of the same of which his majesty was clearly known to be, and the Papists generally at this time appearing very loyal to him, which too many Protestants were not, he thought their assistance might very fitly be made use of to suppress the rebellion of the other. And from thence these zealous Scots concluded that he preferred the Papists in point of loyalty before the Protestants, which was a calumny of so public a concernment that they could not be silent in. Their petition follows in these words:

337. 'To the King's most excellent majesty.

'*The humble petition of the commissioners of the General Assembly of the Kirk of Scotland met at Edinburgh, Jan.* 4, 1643. Jan. 4.

'Our silence, and ceasing to present before your majesty our humble thoughts and desires, at this time of common danger to religion, to your majesty's sacred person, your crown and posterity, and to all your majesty's

[1] [Rushworth, III. ii. 78.]

1643 dominions, were impiety against God, unthankfulness and disloyalty against your majesty, and indirect approbation and hardening of the adversaries of truth and peace in their wicked ways, and cruelty against our brethren, lying in such depths of affliction and anguish of spirit; any one of which crimes were in us, above all others, unexcusable, and would prove us most unworthy of the trust committed unto us. The flame of this common combustion hath almost devoured Ireland, is now wasting the kingdom of England, and we cannot tell how soon it shall enter upon ourselves, and set this your majesty's most ancient and native kingdom on fire. If in this woful case and lamentable condition of your majesty's dominions all others should be silent, it behoveth us to speak: and if our tongues and pens should cease, our consciences within us would cry out, and the stones in the streets would answer us.

338. 'Our great grief, and apprehension of danger, is not a little increased, partly by the insolency and presumption of Papists and others disaffected to the reformation of religion; who, although for their number and power they be not considerable amongst us, yet, through the success of the Popish party in Ireland, and the hopes they conceive of the prevailing power of Popish armies and the prelatical faction in England, they have of late taken spirit, and begun to speak [big [1]] words against the reformation of religion and the work of God in this land; and partly, and more principally, that a chief praise of the Protestant religion (and thereby our not vain but just gloriation) is, by the public declaration of the earl of Newcastle, general of your majesty's forces for the northern parts and nearest unto us, transferred unto Papists; who, although they be sworn enemies unto kings, and be as infamous for their treasons and conspiracies against princes and rulers as for their known idolatry and spiritual tyranny, yet are they openly declared to be not only good subjects, or better subjects, but far better subjects than Protestants: which is a new and foul disparagement of the reformed religion, a notable injury to your majesty in your honour, a sensible reflection upon the whole body of this kingdom, which is impatient that any subjects should be more loyal than they; but abhorreth, and extremely disdaineth, that Papists who refuse to take the oath of allegiance should be compared with them in allegiance and fidelity; and which (being a strange doctrine from the mouth or pen of professed Protestants) will suffer a hard construction from all the reformed Kirks.

339. 'We therefore, your majesty's most humble and loving subjects, upon these and the like considerations, do humbly entreat, that your majesty may be pleased, in your princely wisdom, first to consider, that the intentions of Papists, directed by the principles of their profession, are no other than they have been from the beginning, even to build their Babel, and to set up their execrable idolatry and antichristian tyranny, in all your majesty's dominions; to change the face of your two kingdoms of Scotland and England into the similitude of miserable Ireland; which is more bitter to the people of God, your majesty's good subjects, to think upon, than death; and, whatsoever their present pretences be for the defence of your

[1] [The words within square brackets in the text of this petition are not in Clarendon's MS., but are taken from the copy of the original printed at London for Hen. Overton in 164$\frac{2}{3}$.]

majesty's person and authority, yet in the end by their arms and power, 1643
with a displayed banner, to bring that to pass against your royal person and posterity which the 5th of November, (never to be forgotten,) was not able by their subtle and undermining treason to produce; or, which will be their greatest mercy, to reduce your majesty and your kingdoms to the base and unnatural slavery of their mon rch the Pope: and nex , that your majesty, upon this undeniable evidence, may timeously and speedily apply your royal authority for disbanding their forces, suppressing their power, and disappointing their bloody and merciless projects.

340. 'And for this end, we are with greater earnestness than before constrained to fall down again before your majesty, and in all humility to renew the supplication of the late General Assembly, and our own former petition in their name, for unity of religion and [for] uniformity of church-government in all your majesty's kingdoms; and, to this effect, for a meeting of some divines to be holden in England, unto which, according to the desire of your majesty's Parliament, some commissioners may be sent from this Kirk; that, in all points to be proponed and debated, there may be the greater consent and harmony. We take the boldness to be the more instant in this our humble desire, because it concerneth the Lord Jesus Christ so much in his glory, your majesty in your honour, the Kirk of England (which we ought to tender as our own bowels, and whose reformation is more dear unto us than our lives) in her happiness, and the Kirk of Scotland in her purity and peace; former experience and daily sense teaching us that without the reformation of the Kirk of England there is no hope or possibility of the continuance of reformation here.

341. 'The Lord of heaven and earth, whose vicegerent your majesty is, calleth for this great work of reformation at your hands; and the present commotions and troubles of your majesty's dominions are either preparation, in the mercy of God, for this blessed reformation and unity of religion, (which is the desire, [prayer,] and expectation of all your majesty's good subjects in this kingdom,) or, which they tremble to think upon and earnestly deprecate, are in the justice of God, for the abuse of the gospel, the tolerating of idolatry and superstition against so clear a light, and not acknowledging the day of visitation, the beginning of such a doleful desolation as no policy or power of man shall be able to prevent, and as shall make your majesty's kingdoms within a short time as miserable as they may be happy by a reformation of religion. God forbid that, whilst the Houses of Parliament do profess their desire of the reformation of religion, in a peaceable and parliamentary way, and pass their bills for that end in the particulars, your[1] majesty, the nurse-father of the Kirk of Christ, to whose care the custody and vindication of religion doth principally belong, shall, to the provoking of the anger of God, the stopping of the influence of so many blessings from Heaven, and the grieving of the hearts of [all] the godly, frustrate our expectation, make our hopes ashamed, and hazard the loss of the hearts of all your good subjects; which, next unto the truth and unity of religion and the safety of your kingdoms, are willing to hazard their lives and spend their blood for your majesty's honour and happiness.

[1] ['that your,' MS. and orig.]

1643 342. 'We are not ignorant that the work is great, the difficulties and impediments many, and that there be both mountains and lions in the way. The strongest let, till it be taken out of the way, is the mountain of prelacy: and no wonder, if your majesty consider how many Papists and popishly affected have for a long time found peace and ease under the shadow thereof, how many of the prelatical faction have thereby their life and being, how many profane and worldly men do fear the yoke of Christ and are unwilling to submit themselves to the obedience of the gospel; [and] how many there be, whose eyes are dazzled with the external pomp and glory of the Kirk, whose minds are miscarried with a conceit of the governing of the Kirk by the rules of human policy, and whose hearts are affrighted with the apprehensions of the dangerous consequences which may ensue upon alterations. But when your majesty, in your princely and religious wisdom, shall remember from the records of former times how, against the gates of hell, the force and fraud of worldly and wicked men, and all panic fears of danger, the Christian religion was first planted and the Christian Kirk thereafter reformed: and from the condition of the present times how many, from the experience of the tyranny of prelates, are afraid to discover themselves, lest they be revenged upon them hereafter, (whereas, prelacy being removed, they would openly profess what they are, and join with others in the way of reformation,) all obstacles and difficulties shall be but matter of the manifestation of the power of God, the principal worker, and the means of the greater glory to your majesty, the prime instrument.

343. 'The intermixture of the government of prelates with the civil state, mentioned in your majesty's answer to our former petition, being taken away, and the right government by assemblies, which is to be seen in all the reformed Kirks, and wherein the agreement will be easy, being settled, the Kirk and religion will be more pure and free of mixture, and the civil government more sound and firm. That government of the Kirk must suit best with the civil state, and be most useful for kings and kingdoms, which is best warranted by God, by whom kings do reign and kingdoms are established. Nor can a reformation be expected in the common and ordinary way, expressed also in your majesty's answer. The wisest and most religious princes have found it impossible, and implying a repugnancy, since the persons to be reformed and the reformers must be diverse; and the way of reformation must be different from the corrupt way, by which defection of workmen, and corruption in doctrine, worship, and government, have entered into the Kirk. Suffer us therefore, dread Sovereign, to renew our petitions for this unity of religion and uniformity of kirk-government, and for a meeting of some divines of both kingdoms, who may prepare matters for your majesty's view, and for the examination and approbation of more full assemblies.

344. 'The national Assembly of this Kirk, from which we have our commission, did promise, in their thanksgiving for the many favours expressed in your majesty's letter, their best endeavour to keep the people under their charge in unity and peace, and in loyalty and obedience to your majesty and your laws; which we confess is a duty well beseeming the preachers of the gospel. But we cannot conceal how much both

pastors and people are grieved and disquieted with the late reports of the success, boldness, and strength of Popish forces in Ireland and England; and how much danger, from the power of so malicious and bloody enemies, is apprehended to the religion and peace of this Kirk and kingdom, conceived by them to be the spring whence have issued all their calamities and miseries. Which we humbly remonstrate to your majesty as a necessity requiring a General Assembly, and do earnestly supplicate for the presence and assistance of your majesty's commissioners at the day to be appointed; that, by universal consent of the whole Kirk, the best course may be taken for the preservation of religion, and for the averting of the great wrath which they conceive to be imminent to this kingdom. If it shall please the Lord, in whose hand is the heart of the king as the rivers of waters, to turn it whithersoever He will, to incline your majesty's heart to this through reformation, no more to tolerate the mass, or any part of Romish superstition or tyranny, and to command that all good means be used for the conversion of your princely consort, the Queen's majesty, (which is also the humble desire of this whole Kirk and kingdom,) your joint comforts shall be multiplied above the days of your affliction, to your incredible joy; your glory shall shine in brightness above all your royal progenitors, to the admiration of the world and the terror of your enemies; and your kingdoms so far abound in righteousness, peace, and prosperity, above all that hath been in former generations, that they shall say, *It is good for us that we have been afflicted.*' 1643

345. This petition was not stranger in itself than in the circumstances that attended it; for it was no sooner (if so soon) presented to the King, than it was sent to London, and printed, and communicated with extraordinary industry to the people; that they might see how far the Scotch nation would be engaged for the destruction of the Church; and the messenger who presented it, (Mr. Henderson,) confessed to his majesty, that he had three or four letters to the most active and seditious preachers about London, from men of the same spirit in Scotland. Upon this provocation the King might have very reasonably proceeded against Mr. Henderson, who was neither included in his safe conduct, (as the lord Lowden and the rest of the commissioners were,) nor had any authority from the Lords of the Council of that kingdom, (who were qualified with large powers,) to countenance his employment; being sent only from the commissioners of the General Assembly, (who were not authorized by their own constitutions to make any such declaration,) and there being then no Assembly sitting; which itself, with all their new privileges, could not with any colour

1643 of reason or authority have transacted such an instrument. However, the King, who well knew the interest and influence the clergy had upon the people of that kingdom, and that, whilst they pretended to remove them from all secular employment, they were the principal instruments and engines by which the whole nation was wrought to sedition, resolved not only to use the person of Mr. Henderson very graciously, and to protect him from those affronts which he might naturally expect in a university, (especially, having used some grave and learned
Feb. 19. doctors [1] with great insolence, who went civilly to him to be informed what arguments had prevailed with him to be so professed an enemy to the Church of England, and to give him some information in the argument, with whom he superciliously refused to hold any discourse,) but to return an answer with all possible candour to the petition itself. And so, before he entered upon the other address made by the lord Lowden and the
March 20. rest, he returned (after very solemn debates in Council, where the earl of Lanrick, the Secretary for Scotland, and other lords of Scotland, who were of the Privy Council, were present, and fully concurred, with many expressions of their detestation of the manners of their countrymen, yet with assured confidence that they would not be corrupted to any act of hostility) to Mr. Henderson, and with all expedition by other hands into Scotland, this answer; which likewise I think fit to insert in the very words, that posterity may know how tender and provident the King always was, to prevent any misunderstanding of him and his actions with that people, and consequently any commotions in that kingdom; which was the only thing he feared might contribute to and continue the distractions in this.

346. '*His majesty's answer to a late petition presented unto him by the hands of Mr. Alexander Henderson, from the commissioners of the General Assembly of the Church of Scotland.*

'We received lately a petition from you, by the hands of Mr. Alexander Henderson, to the which we intended to have given an answer as soon as we had transacted the business with the other commissioners addressed to us from the conservators of the treaty of that our kingdom. But finding the same to be published in print, and to be dispersed throughout our kingdom, to the great danger of scandaling of our well affected subjects, who may

[1] [Jeremy Taylor and another. *Merc. Aul.* p. 117.]

interpret the bitterness and sharpness of some expressions not to be so 1643
agreeable to that regard and reverence which is due to our person, and the matter itself to be reproachful to the honour and constitution of this kingdom; we have been compelled the more strictly to examine as well the authority of the petitioners as the matter of the petition itself, and to publish our opinion of both, that our subjects of both kingdoms may see how equally just and sensible we are of the laws and honour of both our kingdoms.

347. 'And first, upon perusal of the petition, we required to see the commission by which the messenger who brought this petition, or the persons who sent him, are qualified to intermeddle in affairs so foreign to their jurisdiction, and of so great concernment to this our kingdom of England. Upon examination whereof, and in defence of the laws and government of this our kingdom, which we are trusted and sworn to defend, we must profess that the petitioners, or the General Assembly of our Church of Scotland, have not the least authority or power to intermeddle or interpose in the affairs of this kingdom or Church; which are settled and established by the proper laws of this land, and, till they be altered by the same competent power, cannot be inveighed against without a due sense of us and this nation; much less can they present any advice or declaration to our Houses of Parliament against the same; or, to that purpose, to send any letters, as they have now done, to any ministers of our Church here, who by the laws of this land cannot correspond against the same.

348. 'Therefore we do believe that the petitioners, when they shall consider how unwarranted it is by the laws of that kingdom, and how contrary it is to the laws of this, to the professions they have made to each other, and how unbecoming in itself, for them to require the ancient, happy, and established government of the Church of England to be altered, and conformed to the laws and constitutions of another church, will find themselves misled by the information of some factious persons here, who would willingly engage the petitioners to foment a difference and division between the two kingdoms, which we have, with so much care and industry, endeavoured to prevent; not having laboured more to quench the combustion in this kingdom, than we have to hinder the like from either devouring Ireland or entering into Scotland; which, if all others will equally labour, will undoubtedly be avoided. But we cannot so easily pass over the mention of Ireland, being moved to it by the scandalous aspersions that have been often cast upon us upon that subject, and the use that hath been made of the woful distractions of that kingdom, as of a seminary of fears and jealousies to beget the like distractions in this; and, which lest they may have farther influence, we are the more willing to make our innocence appear in that particular.

349. 'When first that horrid rebellion began, we were in our kingdom of Scotland; and the sense we had then of it, the expressions we made concerning it, the commissions (together with some other assistance) we sent immediately into that kingdom, and [the] instant recommendation we made of it to both our Houses of Parliament in England, are known to all persons of quality there and then about us. After our return into England, our ready concurring to all the desires of both Houses that might most speedily repress that rebellion, by passing the bill of pressing,

1643 and in it a clause which quitted a right challenged by all and enjoyed by many of our predecessors; by parting with our rights in the lands escheated to us by that rebellion, for the encouragement of adventurers; by emptying of our magazines of arms and ammunition for that service, (which we have since needed for our necessary defence and preservation;) by consenting to all bills for the raising of money for the same, though containing unusual clauses which trusted both Houses without us with the manner of disposing it; our often pressing both Houses, not to neglect that kingdom, by being diverted by considerations and disputes less concerning both kingdoms; our offer of raising ten thousand volunteers to be sent thither, and our several offers to engage our own royal person in the suppression of that horrid rebellion; are no less known to all this nation, than our perpetual earnestness by our foreign ministers to keep all manner of supplies from being transported for the relief of the rebels, is known to several neighbouring princes; which if all [our] good subjects will consider, and withal how many of the men, and how much of the money raised for that end, and how much care, time, and industry, have been diverted from that employment, and employed in this unnatural war against us, (the true cause of the present misery and want which our British armies there do now endure,) they will soon free us from all those imputations so scandalously and groundlessly laid upon us, and impute the continuance of the combustion of that miserable kingdom, the danger it may bring upon our kingdoms of England and Scotland, and the beginning of this doleful desolation, to those who are truly guilty of it.

350. 'For unity in religion, which is desired, we cannot but answer, that we much apprehend lest the Papists may make some advantage of that expression, by continuing that scandal with more authority which they have ever heretofore used to cast upon the Reformation, by interpreting all the differences in ceremony, government, or indifferent opinions, between several Protestant Churches, to be differences in religion; and lest our good subjects of England, who have ever esteemed themselves of the same religion with you, should suspect themselves to be esteemed by you to be of a contrary; and that the religion which they and their ancestors have held ever since the blessed Reformation, and in and for which they are resolved to die, is taxed and branded of falsehood or insufficiency by such a desire.

351. 'For uniformity in church-government, we conceived the answer formerly given by us[1] to the former petition in this argument would have satisfied the petitioners, and is so full that we can add little to it; viz. that the government here established by the laws hath so near a relation and intermixture with the civil state, (which may be unknown to the petitioners,) that till a composed, digested form be presented to us, upon a free debate of both Houses, in a parliamentary way, whereby the consent and approbation of this whole kingdom may be had, and we and all our subjects may discern what is to be left [in] or brought in, as well as what is to be taken away, we know not how to consent to any alteration, otherwise than to such an Act for the ease of tender consciences in the matter of ceremonies as we have often offered;

[1] At Bridgenorth, 13th October, 1642.

and that this, and any thing else that may concern the peace of the Church 1643
and the advancement of God's true religion, may be soberly discussed and happily effected, we have formerly offered, and are still willing, that debates of that nature may be entered into by a synod of godly and learned divines, to be regularly chosen according to the laws and customs of this kingdom: to which we shall be willing that some learned divines of our Church of Scotland be likewise sent, to be present, and offer and debate their reasons. With this answer the petitioners had great reason to acquiesce, without enlarging the matter of their former petition only with bitter expressions against the established government and laws of their neighbour nation, (as if it were contrary to the word of God,) with whom they have so lately entered into a strict amity and friendship.

352. 'But we cannot enough wonder that the petitioners should interpose themselves, not only as fit directors and judges between us and our two Houses of Parliament, in business so wholly concerning the peace and government of this our kingdom, and in a matter so absolutely intrusted to us, as what new laws to consent or not to consent to; but should assume, and publish, that the desire of reformation in this kingdom is in 'a peaceable and parliamentary way'; when all the world may know, that the proceedings here have been, and are, not only contrary to all the rules and precedents of former Parliaments, but destructive to the freedom, privilege, and dignity of Parliaments themselves: that we were first driven by tumults, for the safety of our life, from our cities of London and Westminster, and have been since pursued, fought withal, and are now kept from thence by an army raised and paid, as is pretended, by the two Houses, which consist not of the fourth part of the number they ought to do, the rest being either driven from thence by the same violence, or expelled, or imprisoned, for not consenting to the treasons and unheard of insolencies practised against us. And if the petitioners could believe these proceedings to be in 'a peaceable and parliamentary way,' they were [very] unacquainted with the order and constitution of this kingdom, and not so fit instruments to promote that reformation and peace they seem to desire.

353. 'We cannot believe the intermixture of the present ecclesiastical government with the civil state to be other than a very good reason, and that the government of the church should be by the rules of human policy to be other than a very good rule, unless some other government were as well proved, as pretended, to be better warranted by the word of God.

354. 'Of any bills offered us [for reformation] we shall not now speak, they being a part of those articles upon which we have offered and expect to treat: but cannot but wonder by what authority you prejudge our judgment herein, by denouncing God's anger upon us, and our hazard of the loss of the hearts of all our good subjects, if we consent not unto them. The influence of so many blessings from Heaven upon the reigns of Queen Elizabeth and our father of blessed memory, and the acknowledgment of them by all Protestant Churches to have been careful nurses of the Church of Christ, and to have excellently discharged their duties in the custody and vindication of religion, and the affection of their subjects to them, do sufficiently assure us that we should neither stop the influence of such blessings, nor grieve the hearts of [all] the godly, nor hazard the loss of the

1643 hearts of our good subjects, although we will still maintain in this kingdom the same established ecclesiastical government which flourished in their times and under their special protection.

355. 'We doubt not but our subjects of Scotland will rest abundantly satisfied with such alterations in their own Church as we have assented unto, and not be persuaded by a mere assertion that there is no hope of the continuance of what is there settled by law unless that be likewise altered which is settled here. And our subjects of England will never depart from their dutiful affection to us, for not consenting to new laws, which by the law of the land they know we may as justly reject, if we approve not of them, as either House hath power to prepare for, or both to propound to, us. Nor are you a little mistaken, if either you believe the generality of this nation to desire a change of church-government, or that most of those who desire it desire by it to introduce that which you will only esteem a reformation; but are as unwilling to submit to what you call the yoke of Christ and obedience to the gospel, as those whom you call profane and worldly men; and so equally averse both to episcopacy and presbytery, that, if they should prevail in this particular, the abolition of the one would be no inlet to the other, nor would your hearts be less grieved, your expectations less frustrated, your hopes less ashamed, or your reformation more secured. And the petitioners, upon due consideration, will not find themselves less mistaken in the government of all the reformed Churches, which they say is by assemblies, than they are in the best way of a reformation; which sure is best to be in a common and ordinary way, where the passion or interest of particular men may not impose upon the public; but alteration be then only made, when, upon calm debates, and evident and clear reason and convenience, the same shall be generally consented to for the peace and security of the people; and those who are trusted by the law with such debates, are not divested of that trust upon a general charge of corruptions, pretended to have entered by that way, and of being the persons to be reformed, and so unfit to be reformers. And certainly the like logic, with the like charges and pretences, might be used to make the Parliament itself an incapable judge of any reformation either in Church or State.

356. 'For the general expressions in the petition against Papists, in which the petitioners may be understood to charge us with compliance and favour even to their opinions; we have taken all occasions to publish to the world our practice and resolution in the true Protestant reformed religion, and we are verily persuaded there is no one subject in either of our dominions, who at all knows us, and hath observed our life, but is in his soul satisfied of our constant zeal and unremovable[1] affection to that religion, and of our true dislike of and hearty opposition to Popery. And as we willingly consented at our being in Scotland to all Acts proposed to us for the discountenancing and reforming the Papists in that our kingdom, so by our proclamations for the putting of all laws severely in execution against recusants, and by not refusing any one bill presented to us to that purpose in this kingdom, and by our perpetual and public professions of readiness, with the advice of our two Houses of Parliament,

[1] ['unmovable,' Rushworth, III. ii. 462, &c.]

prepared for us in a deliberate and orderly way, to find some expedient to 1643
perfect so good a work, we conceived we had not left it possible for any man to believe us guilty of tolerating any part of the Romish tyranny or superstition, or to suspect that the conversion of our dearest consort was not so much our desire that the accession of as many crowns as God hath already bestowed on us would be more welcome to us than that day; a blessing which it is our daily prayer to the Almighty to bestow upon us.

357. 'But we might well have expected from the petitioners, who have in their solemn national Covenant literally sworn so much care of the safety of our person, and cannot but know in how much danger that hath been, and still is, by the power and threats of rebellious armies [1], that they would as well have remembered the 23rd of October as the 5th of November; and as well have taken notice of the army raised and led against us by the earl of Essex, which hath actually assaulted and endeavoured to murder us, which we know to abound in Brownists, Anabaptists, and other sectaries, and in which we have reason (by the prisoners we have taken, and the evidence they have given) to believe there are many more Papists (and many of those foreigners) than in all our army; as have advised us to disband out of the army of the earl of Newcastle, which is raised for our defence, the Papists in that army, who are known to be no such number as to endanger their obtaining any power of building their Babel and setting up their idolatry, and whose loyalty he hath reason to commend, (though he was never suspected for favouring their religion,) not before that of Protestants, but of such as rebel under that title; and whose assistance is as due to us, by the law of God and man, to rescue us from domestic rebellion as to defend us from foreign invasion, which we think no man denies to be lawful for them to do. But we do solemnly declare and protest, that God shall no sooner free us from the desperate and rebellious arms taken up against us, but we shall endeavour to free ourselves and kingdom from any fear of danger from the other, by disarming them according to the laws of the land; as we shall not fail to send our commissioners to the Assembly at the time appointed for it by the laws of Scotland.

358. 'To conclude: we desire and require the petitioners (as becomes good and pious preachers of the gospel) to use their utmost endeavours to compose any distraction in opinions, or misunderstandings, which may by the faction of some turbulent persons be raised in the minds of our good subjects of that our kingdom; and to infuse into them a true sense of charity, obedience, and humility, the great principles of Christian religion; that they may not suffer themselves to be transported with things that they do not understand, or think themselves concerned in the government of another kingdom, because it is not according to the customs of that in which they live; but that they dispose themselves with modesty and devotion to the service of Almighty God, with duty and affection to the obedience of us and our laws, (remembering the singular grace, favour, and benignity we have always expressed to that our native kingdom,) and with brotherly and Christian charity one towards another: and we doubt not but God, in his mercy to us and them, will make us instruments of his

[1] ['arms,' Rushworth, III. ii. 462, &c.]

1643 blessings upon each other, and both of us, in a great measure, of happiness and prosperity to the whole nation.'

359. The lord Lowden and the other lay-commissioners, (who were persons entirely guided by him, and of inferior quality,) gave the precedence to this petition, which they called matter of religion, and pressed not their own commission till the King had declared and published his answer to that: and though they pretended not to have any authority to say any thing in that engagement of the commissioners of the Assembly, yet the lord Lowden used all importunity and arguments to persuade the King in private to consent to the alteration of the government of the Church, assuring him, that it would be a means not only to hinder his subjects of Scotland from adhering to the Parliament, but that it would oblige them to assist his majesty to the utmost in the full vindication of all his rights. But he quickly found the King too strongly fixed, to be swayed in a case of conscience by a consideration of convenience; and his lordship undertook to give no other arguments.

360. He betook himself then with his companions to their own proper and avowed errand; which consisted of two parts: the one, to offer the mediation of the conservators of the peace of that kingdom, for the composure of the differences between the King and the two Houses; the other, to desire his majesty that he would send out his precepts to summon a Parliament in Scotland. These desires, and any arguments to enforce them, they always delivered to the King himself in writing; declining any address to his ministers, or any debates with his Council, lest it might seem to lessen the grandeur and absoluteness of the kingdom of Scotland. But the King always brought those papers which he received from them to his Council, and received their advice what answers to return.

361. For the first, of mediation, they pretended a title and obligation to it by a clause in the Act of Pacification made at the beginning of this Parliament; which clause was:—

'That the peace to be then established might be inviolably observed in all time to come, it was agreed that some should be appointed by his majesty and the Parliaments of both kingdoms, who in the interim betwixt the sitting of the Parliaments might be careful that the peace then happily

concluded might be continued, and who should endeavour by all means to prevent all troubles and divisions; and if any debate and difference should happen to arise to the disturbance of the common peace, they should labour to remove or compose them, according to their power; it being supposed that for all their proceedings of this kind they should be answerable to the King's majesty and the Parliaments: and if any thing should fall out[1] that should be above their power, and could not be remedied by them, they should inform themselves in the particulars, and represent the same to the King's majesty and the ensuing Parliament, that, by their wisdoms and authority, all occasion and causes of troubles might be removed, and the peace of the kingdom might be perpetual to all posterity. And it was declared that the power of the commission should be restrained to the articles of peace in that treaty.' 1643

362. This clause, and the whole statute, being carefully perused, and examined before his majesty in his Council, the King returned an answer to them in writing, Feb.

363. That he could not find any colour or pretence of authority to be granted by that Act of Parliament, by which the commissioners for Scotland could conceive themselves interessed in a faculty of mediation; that the clause mentioned by them (besides that there was no such commission granted as was mentioned in that clause, nor any commissioners named for those purposes) related only to the differences that might grow between the two nations, and only upon the articles of that treaty, which, his majesty said, had been and should be inviolably observed by him. That the differences between his majesty and his two Houses of Parliament had not the least relation to the peace between the two kingdoms, but to the unquestionable and long enjoyed rights of his, which his rebellious subjects endeavoured by force to wrest from him, and concerned the fundamental laws of this kingdom; which, as they could not be supposed to be known to the conservators of the peace of Scotland, so they could not have any possible conusance of them. That it might give great umbrage to his subjects of England if he should consent to what they now proposed, and, instead of confirming and continuing the peace, breed jealousies between the nations; and therefore he could not admit of any such mediation as they proposed, but that he hoped the treaty, which he now expected, would beget so good an understanding between him and his two Houses that a peace might ensue; towards which he would expect nothing from his subjects of Scotland but their prayers.

364. This gave them no satisfaction, but they insisted still on their right by that clause, which, without any reason or argument to persuade others to be of their mind, they said they conceived laid that obligation upon them of interposition; to which the King still gave the same answer.

365. For their other demand of a Parliament in Scotland, the

[1] ['forth,' *Act of Parl.*]

1643 case stood thus: The King at his last being in Scotland had, according to the precedent he had made here, granted an Act for triennial parliaments in that kingdom, and at the close of that present Parliament had ratified another Act by which a certain day was appointed for the commencement of the next; which day was to be on the first Tuesday of June in the year 1644, except the King should call one sooner; which he had power to do. So that the question was only, whether the calling a Parliament sooner in that kingdom was like to advance his service, and to contribute to the peace of this? In the disquisition whereof, there needed no arguments that such a convention could not then produce benefit to the King; the entire government of that people being in those persons who had contrived those dismal alterations. On the other hand, all men thought it very happy for the King that without his consent there could be no Parliament in Scotland till June 1644, which was more than fourteen months from this time: till when, how disinclined soever the whole nation should be, there was as much assurance as could possibly be from that people that the Parliament would not be able to procure any avowed supply from that kingdom: it being the express words in the late Act of Pacification, 'that the kingdom of England should not denounce or make war against the kingdom of Scotland without consent of the Parliament of England, as on the other part it was enacted that the kingdom of Scotland should not denounce or make war against the kingdom of England without the consent of the Parliament of Scotland. And in case any of the subjects of either of the kingdoms should rise in arms, or make war, against the other kingdom or subjects thereof, without consent of the Parliament of that kingdom whereof they are subjects, or upon which they do depend, that they should be held, reputed, and demanded [1], as traitors to the estates whereof they are subjects. And that both the kingdoms in that case should be bound to concur in the repressing of those that should happen to arise in arms, or make war, without consent of their own Parliament.'

[1] ['demained,' *i.e.* treated, is the word in the *Act* itself.]

366. So that whoever believed that those people could be 1643
contained by any obligations, divine or human, thought it impossible, by these clear texts, that any forces could be raised there to invade England and disturb his majesty till June 1644; before which time there was hope the King might so far prevail that the spirit of the rebellion might be broken, and men return again to their understanding and allegiance. Therefore to that demand the King returned answer, that against the April 19.
time by which they could legally demand a Parliament, (naming the day,) he would issue out his writs, and there being no immergent cause to do it sooner, he would forbear to put his subjects there to that trouble which those meetings, how necessary soever, would naturally carry with them.

367. When they perceived that they should not receive satisfaction in either of their proposals, and (which, it may be, troubled them more) that the King was so wary in his answers, and so clearly expressed the reasons and justice of them, that they should have no arguments to apply to the passion or interest of their countrymen, which they expected at least; (for in that in which he was most steadfastly resolved, the preservation of the government of the Church, he expressed no more to them, than, that being a matter of so great importance, and having so near relation to the civil government and laws of England, they could not be competent considerers of it; but that he would do what should be most safe and necessary for the peace and welfare of his subjects who were most concerned in it;) at last, rather cursorily and as matter of ceremony at parting than of moment, they desired the King's leave and pass to go to London; having, as they said, some business there before their return into their own country.

368. This was by many thought a thing of so small moment, that the King should readily grant it; since it was evident that it was in their own power to go thither without his leave, for they were necessarily to return through the enemy's quarters, and, being once there, they might choose whether they would go directly home or visit London. And therefore that request was thought but an instance of their modesty, that

1643 they might not return without one thing granted to them at their request. But the King looked upon it as no indifferent thing; and their asking a business that they need not ask was enough to demonstrate that there was more in it than appeared. And he well knew there was a great difference between their going to London with his pass and license, and without it, which they might easily do. They had now publicly declared their errand, and claimed a title and legal capacity to undertake the business of mediation; which would be so far from being rejected there, that they would be thankfully received and admitted to a power of umpirage. If upon or after this claim the King should grant them his pass, it would, by their logic, more reasonably conclude his assent than many of those inferences which they drew from more distant propositions; and having that ground once, his majesty's not consenting to what those grave mediators would propose, and afterwards as arbitrators award, should be quarrel sufficient for the whole nation to engage. And therefore the King ex-
April. pressly denied his pass and safe-conduct, and told them plainly the reason why he did so, and required them, since he had denied to consent to that which could be the only ground of their going to London, that they should first return to those that sent them before they attempted that journey: if they did otherwise, they must run the hazard of persons whom his majesty would not countenance with his protection. And the truth is, though they might very well have gone to London, they could not have returned from thence to Scotland, (except they would have submitted to the inconvenience and hazard of a voyage by sea,) without so much danger from the King's quarters in the north, (York and Newcastle being at his devotion,) that they could not reasonably promise themselves to escape.

369. Whilst this was in agitation, the committee from the Parliament for the treaty, to wit, the earl of Northumberland, Mr. Perpoint, sir William Armin, sir John Holland, and Mr.
March 21. Whitlocke, came to Oxford; who shortly took notice of the Scotch commissioners' desires, and desired that they might have

his majesty's leave to go to London: but being quickly 1643
answered, 'that that request would not fall within either of the propositions agreed to be treated of,' they modestly gave over the intercession: and in the end, the lord Lowden and his countrymen returned directly to Scotland, staying only so long in the garrisons of the enemy through which they were reasonably to pass as to receive such animadversions, and to entertain such communication, as they thought most necessary.

370. As soon as the committee arrived at Oxford, they were very graciously received by the King; his majesty always giving them audience in Council, and they withdrawing into a private chamber prepared for them, whilst their proposals, which they still delivered in writing, were considered and debated before the King. They declared, 'that they were first to treat of the cessation, and till that was concluded, that they were not to enter upon any of the other propositions;' with which his majesty was well pleased, presuming that they had brought, or had power to give, consent to the articles proposed by him; which he the rather believed when they read the preamble to the articles, in which it was declared, that 'the Lords and Commons, being still carried on with a vehement desire of peace, that so the kingdom might be freed from the desolation and destruction wherewith it was like to be overwhelmed, had considered of the articles of cessation with those alterations and additions offered by his majesty; unto which they were ready to agree in such manner as was expressed in the ensuing articles.' After which were inserted the very articles had been first sent to the King, without the least condescension to any one alteration or addition made by him; neither had the committee power to recede, or consent to any alteration, but only to publish it if the King consented in terms, and then, and not till then, to proceed to treat upon the other propositions.

371. This the King looked on as an ill omen; other men as a plain contempt, and stratagem to make the people believe by their sending their committee that they did desire a treaty and a cessation, yet, by limiting them so strictly, to frustrate both,

1643 and to cast the envy of it upon the King. Hereupon, the next
March 22. day, the King sent a message to them, (which he published, to undeceive the people,) farther pressing the weight and consequence of his former exceptions and alterations, and the inconvenience that proceeded from not granting their committee power to alter so much as verbal expressions: so that, if the King should consent to the articles as they were proposed, he should not only submit to great disadvantages, but some such as themselves would not think reasonable to oblige him to. As, by that article wherein they reserved a power to send out a fleet, or what ships they thought good, to sea, they were not at all restrained from sending what land forces they pleased to any part of the kingdom; so that when the cessation ended, they might have new and greater armies throughout the kingdom than they had when it began; which he presumed they did not intend, being a thing so unequal, and contrary to the nature of a cessation.

372. Then, in the articles they last sent, they styled their forces, *the army raised by the Parliament;* the which if his majesty should consent to, he must acknowledge, either that he consented to the raising that army, or that he was no part of the Parliament: neither of which he conceived they would oblige him to do. And therefore he desired that their committee might have liberty to treat, debate, and agree upon the articles; upon which they and all the world should find that he was less solicitous for his own dignity and greatness than for his subjects' ease and liberty. 'But if that so reasonable, equal, and just desire of his should not be yielded unto, but the same articles still insisted upon, though his majesty, next to peace, desired a cessation, yet, that the not agreeing upon the one might not destroy the hopes of, nor so much as delay, the other, he was willing to treat, even without a cessation, upon the propositions themselves, in that order that was agreed; and desired their committee might be enabled to that effect. In which treaty he would give,' he said, 'all his subjects that satisfaction, that, if any security to enjoy all the rights, privileges, and liberties, due to them by the law, or that happiness

in Church and State which the best times had seen, with such farther acts of grace as might agree with his honour, justice, and duty to his Crown, and which might not render him less able to protect his subjects according to his oath, would satisfy them, his majesty was confident, in the mercy of God, that no more precious blood of this nation would be thus miserably spent.' 1643

373. This message produced liberty to the committee to enter upon the treaty itself upon the propositions, though the cessation should not be agreed to; and shortly after they sent reasons to the King why they consented not to the cessation in such manner and with those limitations as he had proposed. March 24. March 27.

374. They alleged,

1. 'That if they should grant such a free trade as the King desired, to Oxford, and other places where his forces lay, it would be very difficult, if not impossible, to keep arms, ammunition, money, and bullion, from passing to his army: however, it would be exceeding advantageous to his majesty, in supplying his army with many necessaries, and making their quarters a staple for such commodities as might be vented in the adjacent counties, and so draw money thither, whereby the inhabitants would be better enabled by loans and contributions to support his army.' As this advantage to him was very demonstrable, so it was very improbable that it would produce any supply to them; and 'in a treaty for a cessation those demands could not be thought reasonable that were not indifferent, that is, equally advantageous to both parties.

2. 'That to demand the approving the commanders of the ships, was to desire the strength of the one party to the other before the differences were ended, against all rules of treaty. And to make a cessation at sea, was to leave the kingdom naked to foreign forces, and the ports open for his supplies of arms and ammunition. But for conveying any forces, by those means, from one part to another, they would observe the articles by which that was restrained.'

3. For the expression of *the army raised by the Parliament*, they were contented it should be altered, and the name of the two Houses used.

4. For the committing none but according to the known laws of the land, that is, by the ordinary process of law, 'it would follow, that no man must be committed by them for supplying the King with arms, money, or ammunition, for, by the law of the land, the subjects might carry such goods from London to Oxford; the soldiers must not be committed who do run from their colours, and refuse any duty in the army; no man should be committed for not submitting to necessary supplies of money: so that, if it should be yielded to in his majesty's sense, they should be disabled to restrain supplies from their enemies and to govern and maintain their own soldiers: and so, under a disguise of a cessation, should admit that which would necessarily produce the dissolving of their army and

1643 destruction of their cause.' And they said it was not probable that his majesty would suffer the same inconveniences by that clause; for that they believed he would interpret that what his general did by virtue of his commission was and would be done according to the known laws of the land; whereas he had denied that those known laws gave any power to the two Houses of Parliament, to raise armies; and so, consequently, their general could not exercise any martial law. 'So that, under the specious show of liberty and law, they should be altogether disabled to defend their liberties and laws, and his majesty would enjoy an absolute victory and submission under pretence of a cessation and treaty.' They said, 'being, by a necessity inevitable, enforced to a defensive war, and therein warranted both by the laws of God and man, it must needs follow that, by the same law, they were enabled to raise means to support that war; and therefore they could not relinquish that power of laying taxes upon those who ought to join with them in that defence, and the necessary way of levying those taxes upon them in case of refusal; for otherwise their army must needs be dissolved.'

375. Though these reasons were capable, in a sad and composed debate, of full answers, and many things would naturally have flowed from them to disprove the practice and assertions of the framers of them, yet it was very evident that they carried such a kind of reason with them as would prevail over the understandings of the people, and that the King, by not consenting to the cessation as it was proposed by them, would be generally thought to have rejected any, which could not but have an ill influence upon his affairs: and therefore his ma-
April 4. jesty sent them, as soon as he had weighed this last message, (which he well discerned was not formed to satisfy him but to satisfy the people against him,) an answer; in which he explained the ill consequence of many of their assumptions, and enforced the importance of his former demands on the behalf of the people: however, he offered to admit the cessation upon the matter of their own articles, so that he might not be understood to consent to any of those unjust and illegal powers which they exercised upon the subjects. But from henceforward the Houses declined any farther argument and debate concerning the cessation, and directed their committee to expedite the treaty upon the propositions: the particulars whereof being transacted in the beginning of the year 1643. I shall refer the narrative to the next book, intending in this only to comprehend the transactions to the end of 1642.

376. I am persuaded, if the King had, upon the receipt of the articles for the cessation, when they were first sent to him, frankly consented to it, it would have proved very much to his advantage, and that his army would very much have increased by it, and the other [been] impaired; and that it would have been very difficult for the Parliament to have dissolved it, if once begun, or to have determined the treaty. But besides the reasons before mentioned, the consideration of the northern forces, and the restraining them within their old quarters who seemed to be in a condition of marching even to London itself, prevailed very far with the King; or rather, (which indeed was the grand reason, and rendered every other suggestion of weight,) the jealousy that they did not intend to consent to or admit any peace but such a one as his majesty might not admit, made all the preliminary debates the more insisted on. 1643

377. Before I conclude this book, I cannot but insert one particular, which by some men may hereafter be thought of some signification. It was now the time of the year when, by the custom of the kingdom, the King's judges itinerant used to go their circuits throughout England and Wales, to administer justice to the people, and to inquire into all treasons, felonies, breaches of the peace, and other misdemeanours, which were any where [committed[1]] contrary to the known laws; and who were sworn to judge according to those known laws, the study and knowledge whereof was their profession.

378. The Lords and Commons now sent to the King a special message to advise and desire him, that, Feb. 17.

'in regard of the present distractions, which might hinder both the judges and the people from resorting to those places where such meetings might be appointed, the assizes and gaol-delivery might not be holden; but that it might be deferred until it should please God to restore peace unto his people.'

379. The King returned them answer; Feb. 21.

'that the present bloody distractions of the kingdom, which he had used all possible means to prevent, and would still to remove, did afflict his

[1] ['commanded,' MS.]

1643 majesty under no consideration more than of the great interruption and stop it made in the course and proceedings of justice and the execution of the laws; whereby his good subjects were robbed of the peace and security they were born to; and therefore, as much as in him lay, he would advance that only means of their happiness; at least, they should see that their sufferings that way proceeded not from his majesty. And since they might now expect by the laws, statutes, and customs of the kingdom, the assizes and general gaol-delivery in every county, his majesty thought not fit to command the contrary; but would take severe and precise order that none of his subjects should receive the least prejudice, as they repaired thither, by any of his forces, which rule he should be glad to see observed by others. And then he hoped, by the execution of the laws, even those public calamities might have some abatement, and the kingdom recover its former peace and prosperity.'

380. But this answer was not more satisfactory than they usually received from him; and therefore they betook themFeb. 28. selves to their old and tried weapon, and made an ordinance that 'all judges, and justices of assizes and Nisi prius, and justices of oier and terminer and gaol-delivery, should forbear to execute any of their said commissions, or to hold or keep any assizes, or gaol-delivery, at any time during that Lent vacation; as they would answer the contempt and neglect thereof before the Lords and Commons in Parliament.'

381. And this was the first avowed interruption and suspension of the public justice that happened, or that was known ever before in that kind; and gave the people occasion to believe that what the Parliament did (what pretence soever there was of fundamental laws) was not so warrantable by that rule, since they laboured so much to suppress that inquisition. It was not in the King's power to help this; for besides that the example of judge Mallet, who, the circuit before, had been forcibly taken from the bench by a troop of horse, as is before v. 426. remembered, terrified all the judges, (and there were very few counties in England in which they could have been secure from the like violence,) the records, upon which the legal proceedings were to be, were at London. And so the exercise of the law ceased throughout the kingdom, save only in some few counties, whither the King sent some judges of assize, and into others, his commissions of oier and terminer; by virtue whereof the earl of Essex and many others were as legally attainted of

high treason as the wisdom of our ancestors could direct. And thus ended the year 1642 [1]. 1643

382. In this place, and before we mention the treaty which shortly ensued, (for in the time between the return of the [Scottish] commissioners to London and the beginning of the treaty, this person [Mr. Hyde], whom we shall hereafter mention under the style of Chancellor of the Exchequer, was preferred to that office, and because it was about the end of the year, it being in February when he was sworn a Privy Councillor,) we shall set down the state of the Court and the state of the kingdom at this time, the names of those Privy Councillors who attended the King or were in his service, and the names of those who were likewise of the Council but stayed and acted with the Parliament against the King; and likewise the temper of the kingdom at that season, as it was possessed and made useful to either party; and then it will easily appear how little motive any man could have from interest or ambition, who was not carried by the impulsion of conscience and consideration of duty, to engage himself in the quarrel on the King's side. March 3. Feb. 22.

383. The lord Littleton was Keeper of the Great Seal of England, of whom so much hath been said before that there is no need of enlargement upon him in this place. His parts, which in the profession of the law were very great, were not very applicable to the business now in hand; and though from the time of the King's coming to Oxford the King had confidence enough in him to leave the Seal in his custody, and he would have been glad to have done any service, his very ill fortune had drawn so great a disesteem upon him from most men that he gave little reputation to the Council, and had little authority in it [2].

384. The duke of Richmond, as he was of the noblest

[1] [Book VI ends here in the MS. of the *Hist.*, p. 419, with the date 'Castle Elizabeth, 16 of 8ber, st. vet.' And from this place all that follows to the end of this book is added from the *Life*, pp. 206–216. This accounts for the mention of 'this person' in the first sentence of § 382.]

[2] [The following lines are here crossed out in the MS.; 'He was exceedingly glad that his friend the Chancellor of the Exchequer was become a member of it.']

1643 extraction, being nearest allied to the King's person of any man who was not descended from King James, so he was very worthy of all the grace and favour the King had shewed him; who had taken great care of his education, and sent him into France, Italy, and Spain, where he was created a grandee of that kingdom, and as soon as he returned, though he was scarce one and twenty years of age, made him a Privy Councillor; and shortly after, out of his abundant kindness to both fami-
1637 lies, married him to the sole daughter of his dead favourite,
Aug. 3. the duke of Buckingham, with whom he received twenty thousand pounds in portion, and his majesty's bounty was likewise very great to him; so that, as he was very eminent in his title, so he was at great ease in his fortune. He was a man of very good parts and an excellent understanding; yet, (which is no common infirmity,) so diffident of himself that he was sometimes led by men who judged much worse. He was of a great and haughty spirit, and so punctual in point of honour that he never swerved a tittle. He had so entire a resignation of himself to the King that he abhorred all artifices to shelter himself from the prejudice of those who, how powerful soever, failed in their duty to his majesty; and therefore he was pursued with all imaginable malice by them, as one that would have no quarter upon so infamous terms as but looking on whilst his master was ill used. As he had received great bounties from the King, so he sacrificed all he had to his service as soon as his occasions stood in need of it, and lent his majesty at one time twenty thousand pounds together; and as soon as the war began, engaged his three brothers, all gallant gentlemen, in the service, in which they all lost their lives. Himself lived, with unspotted fidelity, some years after the murder of his master, and was suffered to put him into his grave; and shortly after
1655 died, without the comfort of seeing the resurrection of the
March 30. Crown.

385. The marquis of Hartford was a man of great honour and fortune, and interest in the affection of the people, and had always undergone hard measure from the Court, where he received no countenance, and had no design of making advantage

from it. For though he was a man of very good parts, and 1643
conversant in books both in Latin and Greek languages, and of a clear courage, of which he had given frequent evidence, yet he was so wholly given up to a country life, where he lived in splendour, that he had an aversion, and even an unaptness, for business. Besides his particular friendship with the earl of Essex, whose sister he had married, his greatest acquaintance and conversation had been with those who had the reputation of being best affected to the liberty of the kingdom, and least in love with the humour of the Court, many of whom were the chief of those who engaged themselves most factiously and furiously against the King. But as soon as he discerned their violent purposes against the government established, before he suspected their blacker designs, he severed himself from them, and from the beginning of the Parliament never concurred with them in any one vote dishonourable to the King, or in the prosecution of the earl of Strafford. He did accept the government of the prince of Wales, (as is mentioned before [1],) purely out of obedience to the King, and no doubt it was a great service; though for the performance of the office of a governor he never thought himself fit, nor meddled with it. He left § 3.
York, as is remembered, to form an army for the King in the West, where his interest was; but he found those parts so corrupted, and an army from the Parliament was poured down so soon upon him, that there was nothing for the present to be done worthy of his presence; so that he sent the small party that was with him farther west to Cornwall [2], where by degrees they grew able to raise an army, with which they joined with him afterwards again; and himself returned to the King at Oxford about the time when the treaty began [3].

386. The earl of Southampton was indeed a great man in all respects, and brought very much reputation to the King's cause. He was of a nature very much inclined to melancholic,

[1] [Book iv, § 296.]
[2] ['Cornehill,' MS.]
[3] [The following conclusion of this sentence is crossed out in the MS.:—'when the Chancellor of [the] Exchequer was made, who was much in his favour, and with whom he had corresponded principally during his absence from the Court.']

1643 and being born a younger brother, and his father and his elder
1624 brother dying upon the point together, whilst he was but a boy,
Nov. 10. he was much troubled to be called *my lord*, and with the noise of attendance; so much he then delighted to be alone. Yet he had a great spirit, and exacted the respect that was due to his quality; he had never had any conversation in the Court, nor obligation to it; on the contrary, he had undergone some hardness from it; which made it believed that he would have been ready to have taken all occasions to have been severe towards it. And therefore in the beginning of the Parliament no man was more courted by the managers of those designs. He had great dislike of the high courses which had been taken in the government, and a particular prejudice to the earl of Strafford for some exorbitant proceedings; but as soon as he saw the ways of reverence and duty towards the King declined, and the prosecution of the earl of Strafford to exceed the limits of justice, he opposed them vigorously in all their proceedings. He was a man of a great sharpness of judgment, a very quick apprehension, and that readiness of expression upon any sudden debate, that no man delivered himself more advantageously and weightily, and more efficaciously with the hearers; so that no man gave them more trouble in his opposition, or drew so many to a concurrence with him in opinion. He had no relation to or dependence upon the Court, or purpose to have any, but wholly pursued the public interest. It was long before he
1642 Jan. could be prevailed with to be a councillor, and longer before he would be admitted to be of the bed-chamber[1]; and received both honours the rather, because, after he had refused to take a Protestation which both Houses had ordered to be taken by all their members, they had likewise voted that no man should be capable of any preferment in Church or State who refused to take the same; and he would shew how much he contemned those votes. He went with the King to York, was most so-
§ 8. licitous, (as hath been said,) for the offer of peace at Nottingham, and was then with him at Edgehill; and so came and

[1] [Both appointments are mentioned in a letter of Jan. 16, 1642; *Cal. Dom. S. P.*, 1641–3, p. 241.]

stayed with him at Oxford to the end of the war, taking all opportunities to advance all motions towards peace; and as no man was more punctual in performing his own duty, so no man had more melancholic apprehensions of the issue of the war; which is all shall be said of him in this place, there being frequent occasions to mention him in the continuance of this discourse [1]. 1643

387. The earl of Leicester was a man of great parts, very conversant in books, and much addicted to the mathematics; and though he had been a soldier, and commanded a regiment in the service of the States of the United Provinces, and was afterwards employed in several embassies, as in Denmark and in France, was in truth rather a speculative than a practical man, and expected a greater certitude in the consultation of business than the business of this world is capable of: which temper proved very inconvenient to him through the course of his life. He was after the death of the earl of Strafford, by the concurrent kindness and esteem both of King and Queen, called from his embassy in France to be Lieutenant of the kingdom of Ireland, and in a very short time after unhappily lost that kindness and esteem; and being, about the time of the King's coming to Oxford, ready to embark at Chester for the execution of his charge, he was required to attend his majesty for farther instructions at Oxford, where he remained; and though he was of the Council, and sometimes present, he desired not to have any part in the business, and lay under many reproaches and jealousies, which he deserved not; for he was a man of honour and fidelity to the King, and his greatest misfortunes proceeded from the staggering and irresolution in his nature. 1641 June 14. 1642 Nov. 29.

388. The earl of Bristol was a man of a grave aspect, of a presence that drew respect, and of long experience in affairs of great importance. He had been, by the extraordinary favour of King James to his person (for he was a very handsome man) and his parts (which were naturally great and had been improved by a good education at home and abroad), sent ambas- 1611

[1] [The following words are here crossed out in the MS.:—'there being always a fast friendship between him and the Chancellor of the Exchequer, which lasted to his death.'] 1667 May 16.

1643 sador into Spain before he was thirty years of age, and afterwards in several other embassies, and, at last, again into Spain, where he treated and concluded the marriage between the Prince of Wales and that Infanta, which was afterwards dissolved. He was by King James made of the Privy Council, vice-chamberlain of the household, an earl, and a gentleman of the bedchamber to the Prince, and was then crushed by the power of the duke of Buckingham, and the prejudice the Prince himself had contracted against him during his highness's being in Spain; upon which he was imprisoned upon his return; and after the duke's death the King retained so strict a memory of all his friendships and displeasures, that the earl of Bristol could never recover any admission to the Court, but lived in the country, in ease and plenty in his fortune, and in great reputation with all who had not an implicit reverence for the Court; and before, and in the beginning of, the Parliament, appeared in the head of all the discontented party; but quickly left them when they entered upon their unwarrantable violences, and grew so much into their disfavour, that, after the
1642 King was gone to York, upon some expressions he used in the
March 28. House of Peers in debate, they committed him to the Tower;
April 19. from whence being released in two or three days, he made haste to York to the King, who had before restored him to his place in the Council and the bed-chamber. He was with him
1653 at Edgehill, and came with him from thence to Oxford; and
Jan. 16. at the end of the war went into France, where he died; that party having so great an animosity against him, that they would not suffer him to live in England, nor to compound for his estate, as they suffered others to do who had done them more hurt. Though he was a man of great parts, and a wise man, yet he had been for the most part single, and by himself, in business, which he managed with good sufficiency, and had lived little in consort; so that in Council he was passionate and supercilious, and did not bear contradiction without much passion, and was too voluminous a discourser; so that he was not considered there with much respect; to the lessening whereof no man contributed more than his son, the lord

Digby; who shortly after came to sit there as Secretary of State, and had not that reverence for his father's wisdom (he failed not in his piety towards him) which his great experience deserved. 1643

389. The earl of Newcastle was a person well bred, and of a full and plentiful fortune; and had been chosen by the King to be governor to the Prince of Wales, and made of the Council, and resigned that office of governor to the marquis of Hartford for the reasons which have been mentioned. He was not at Oxford, but remained at Newcastle with the King's commission to be general of those parts, being a man of great courage and signal fidelity to the Crown, of whom there will be more occasion hereafter to enlarge. 1638 June 4.

390. The earl of Barkshire was of the Council, but not yet at Oxford; having been about, or before, the setting up of the standard taken prisoner in Oxfordshire, and committed to the Tower, upon an imagination that he had some purpose to have executed the commission of array in that county; but they afterwards set him at liberty, as a man that could do them no harm any where; and then he came to Oxford, with the title and pretences of a man who had been imprisoned for the King, and thereby merited more than his majesty had to give. His affection for the Crown was good; his interest and reputation less than any thing but his understanding. 1642 Aug. 16. Sept. 14.

391. The lord Dunsmore had been made a Privy Councillor, after so many who had deserved worse had been called thither to make an atonement, which failing, he could not be refused who was ready to do whatever he was directed. He was a man of a rough and tempestuous nature, violent in pursuing what he wished, without judgment or temper to know the way of bringing it to pass; however, he had some kind of power with froward and discontented men; at least, he had credit to make them more indisposed. But his greatest reputation was, that the earl of Southampton married his daughter, who was a beautiful and a worthy lady. 1641 Aug.

392. The lord Seymour, being brother to the marquis of Hartford, was a man of interest and reputation. He had been

1643 always very popular in the country, where he had always lived. out of the grace of the Court: and his parts and judgment were best in those things which concerned the good husbandry and the common administration of justice to the people. In the beginning of the Parliament he served as knight of the shire for Wiltshire, where he lived; and behaving himself with less violence in the House of Commons than many of his old friends did, and having a great friendship for the earl of Strafford, he
1641 was by his interposition called to the House of Peers, where he
Feb. 19. carried himself very well in all things relating to the Crown: and when the King went to York, he left the Parliament and followed his majesty, and remained firm in his fidelity.

393. The lord Savill was likewise of the Council, being first Controller and then Treasurer of the Household, in recompense of his discovery of all the treasons and conspiracies, after they had taken effect and could not be punished. He was a man of an ambitious and restless nature, of parts and wit enough, but in his disposition and inclination so false that he could never be believed or depended upon. His particular malice to the earl of Strafford, which he had sucked in with his milk, (there having always been an immortal feud between the families, and the earl had shrewdly overborne his father,) had engaged him with all persons who were willing, and like to be able, to do him mischieve. And so, having opportunity, when the King was at the Berks and made the first unhappy Pacification[1], to enter into conversation and acquaintance with those who were then employed as commissioners from the Scots, there was a secret intelligence entered into between them from that time: and he was a principal instrument to engage that nation to march into England with an army, which they did the next year after: to which purpose he sent them a letter signed with the names of several of the English nobility, inviting them to enter the kingdom, and making great promises of assistance: which names were forged by himself, without the privity of those who were named. And when all this mischieve was brought to pass, and he found his credit in the Parliament not

[1] [Book i, § 38.]

so great as other men's, he insinuated himself into credit with somebody who brought him to the King or Queen, to whom he confessed all he had done to bring in the Scots, and who had conspired with him, and all the secrets he knew, with a thousand protestations to repair all by future loyalty and service; for which he was promised a white staff, which the King had then resolved to take from sir Henry Vane, who held it with the Secretary's office; which he had accordingly; though all his discovery was of no other use than that the King knew many had been false whom he could not punish, and some whom he could not suspect. When the King came to York, where this lord's fortune and interest lay, his reputation was so low that the gentlemen of interest who wished well to the King's service would not communicate with him; and after the King's remove from thence the earl of Newcastle found cause to have such a jealousy of him that he thought it necessary to imprison him, and afterwards sent him to Oxford[1], where he so well purged himself that he was again restored to his office. But in the end he behaved himself so ill that the King put him again out of his place, and committed him to prison, and never after admitted him to his presence; nor would any man of quality ever after keep any correspondence with him.

1643

1641 Nov.

1642 Nov.

1645 Jan.[2]

394. Of the lord Falkland and sir John Culpeper there hath been so much said before, that there is no occasion to add to it in this place. There will be reason too soon to lament the unhappy death of the former; and the latter, who never failed in his fidelity, will be very often mentioned throughout the ensuing discourse.

395. Secretary Nicholas was a very honest and industrious man, and always versed in business, which few of the others were or had been. After some time spent in the university of Oxford, and then in the Middle Temple, he lived a year, or thereabouts, in France; and was then secretary to the lord Zouch, who was a Privy Councillor and Warden of the Cinque

[1] [By warrant from the King dated May 13, 1643. He had been imprisoned for 26 weeks at Newark. *Miscell. of Camden Soc.* Vol. VIII, 1883, p. 27.]

[2] [*Calend. Clar. S. P.* I. 256.]

1643 Ports, and thereby he understood all that jurisdiction, which is very great, and exclusive to the Admiral. And when that lord, many years after, surrendered that office to the King, to
1624 the end that it might be conferred upon the duke of Buck-
Nov. ingham, his secretary was likewise preferred with the office, and so in a short time became both secretary of the Admiralty as well as of the Cinque [Ports], and was entirely trusted and esteemed by that great favourite. After his death, he con-
1635 tinued in the same place whilst the office was in commission,
Oct. 9. and was then made clerk of the Council, from whence the King
1641 called him to be Secretary of State after Secretary Wynnibank
Nov. 29. fled the kingdom, upon his own observation of his virtue and fidelity, and without any other recommendation: and he was in truth, throughout his whole life, a person of very good reputation, and of singular integrity.

396. There remain only two of the Council then at Oxford who are not yet named; sir John Banks, who had been Attorney General, and was then Chief Justice of the Common Pleas, a grave and a learned man in the profession of the law; and sir
1627–39 Peter Wich, who had been ambassador at Constantinople, from whence he returned very little before the troubles, and gratified sir Thomas Jermin very liberally for his white staff[1], when the Court was very low, and so was made a Privy Councillor and Controller of the Household. He was a very honest, plain
1643 man; and died very shortly after the treaty[2], and was suc-
Dec. ceeded by sir Christopher Hatton, a person of great reputation at that time, which in few years he found a way utterly to lose.

397. This was the state of the King's Council at Oxford when Mr. Hyde was made Chancellor of the Exchequer; and amongst them there were not many who had been acquainted with the transaction of business, at least with business of that kind which they were then to be incumbent to; and from the

[1] [He offered £6000 for it in March, 1640. *Cal. S. P. Dom.* 1639–40, p. 589.]

[2] [The word 'treaty' is substituted in the MS. for the following:—'Chancellor of the Exchequer was called to the Board.']

first entrance into the war the soldiers did all they could to lessen the reverence that was due to them, thinking themselves the best judges of all counsels and designs, because they were for the most part to execute them: but they neither designed well nor executed, and, it may be, executed the worse because they had too great a power in the designing, the King himself too much inclining to them, out of too little esteem of many of his councillors. At that time the King's quarters were only between Oxford and Reading, and some miles on the other side to Banbury, and the town of Newcastle in the north, and Pendennis in the west of Cornwall. But in some months after they were extended as far as Chester upon the Severn; and the earl of Newcastle reduced all to York, and drove all who professed for the Parliament into Hull; and sir Ralph Hopton, with the assistance of sir Nicholas Slanning, Arundell, and Trevannion, made themselves masters of Cornwall, and afterwards advanced farther, towards a conjunction with the King. 1643

398[1]. Of those who were of the King's Council and who stayed and voted with the Parliament, the earl of Northumberland may well be reckoned the chief, in respect of the antiquity and splendour of his family, his great fortune and estate, and the general reputation he had amongst the greatest men, and his great interest by being High Admiral of England. Though he was of a family that had lain under frequent blemishes of want of fidelity to the Crown, and his father had been long a prisoner in the Tower under no less a suspicion than of having some knowledge of the Gunpowder Treason; and after he was set at liberty by the mediation and credit of the earl of Carlisle, who had, without and against his consent, married his daughter[2], he continued to his death under such a restraint that he had not liberty to live and reside upon his northern estate: yet his father was no sooner dead 1632 Nov. 5.

[1] [The commencement of this section was originally as follows, but was altered as given above:—'And here it will not be amiss to look back, and take a view of those persons who were of the King's Council, and had deserted his service, and stayed in the Parliament to support the rebellion; and of the Parliament's strength and power at that time in and over the kingdom. The earl,' &c.]

[2] [Book i, § 134.]

1643 than the King poured out his favours upon him in a wonderful
1635 measure. He began with conferring the order of the Garter
April 23. upon him, and shortly after made him of his Privy Council.
When a great fleet of ships was prepared, by which the King
meant that his neighbour princes should discern that he meant
1636 to maintain and preserve his sovereignty at sea, he sent the
March 23. earl of Northumberland admiral of that fleet, a much greater
than the Crown had put to sea since the death of Queen
Elizabeth, that he might breed him for that service before he
gave him a more absolute command; and after he had in that
1638 capacity exercised himself a year or two, he made him Lord
March 20. High Admiral of England; which was such a quick succession
of bounties and favours as had rarely befallen any man who
had not been attended with the envy of a favourite. He was
in all his deportment a very great man, and that which looked
like formality was a punctuality in preserving his dignity from
the invasion and intrusion of bold men, which no man of that
age so well preserved himself from. Though his notions were
not large or deep, yet his temper, and reservedness in discourse,
and his unrashness in speaking, got him the reputation of an
able and a wise man; which he made evident in the excellent
government of his family, where no man was more absolutely
obeyed; and no man had ever fewer idle words to answer for;
and in debates of importance he always expressed himself very
pertinently. If he had thought the King as much above him
as he thought himself above other considerable men, he would
have been a good subject; but the extreme undervaluing those,
and not enough valuing the King, made him liable to the im-
pressions which they who approached him by those addresses of
reverence and esteem which usually insinuate themselves into
such natures made in him. And so, after he was first prevailed
upon not to do that which in honour and gratitude he was
obliged to, (which is a very pestilent corruption,) he was with
the more facility led to concur in what in duty and fidelity he
ought not to have done, and which at first he never intended to
have done. And so he concurred in all the counsels which
produced the rebellion, and stayed with them to support it;

which is as much as is necessary to say of him in this place, 1643
since there will be often occasion hereafter to mention him with some enlargement.

399. The earl of Pembroke hath been enough mentioned in a better conjuncture of time[1], when his virtues were thought greater than they were, and his vices very little discerned. Yet, by what was then said, his nature and his parts might be well enough understood; and as neither the one or the other were improveable, so they were liable to be corrupted by any assaults; his understanding being easy to be imposed upon, and his nature being made up of very strong passions. Whilst there was tranquillity in the kingdom, he enjoyed his full share in pomp and greatness, the largeness and plentifulness of his fortune being attended with reverence and dependence from the people where his estate and interest lay, and where indeed he was a great man; getting an affection and esteem from persons who had no dependence upon him by his magnificent living, and discoursing highly of justice and of the Protestant religion, inveighing bitterly against Popery, and telling what he used to say to the King, and speaking frankly of the oversights of the Court that he might not be thought a slave to it. He had been bred from his cradle in the Court, and had that perfection of a courtier, that, as he was not wary enough in offending men, so he was forward in acknowledging it, even to his inferiors, and to impute it to his passion, and ask pardon for it; which made him to be thought a well-natured man. Besides, he had a choleric office, which entitled him to the exercise of some rudenesses, and the good order of the Court had some dependence upon his incivilities.

400. There were very few great persons in authority who were not frequently offended by him, by sharp and scandalous discourses and invectives against them behind their backs; for which they found it best to receive satisfaction by submissions and professions and protestations, which was a coin he was plentifully supplied with for the payment of all those debts; and his infirmities were so generally known, that men did not

[1] [Book i, §§ 127–8.]

1643 think they could suffer in their reputations by any thing he said; whilst the King retained only some kindness for him, without any value and esteem of him. But, from the beginning of the Parliament, when he saw and heard a people stout enough to inveigh against the authority, and to fall upon those persons, whom he had always more feared than loved, and found that there were two armies in the kingdom, and that the King had not the entire command of either of them; when the decrees of the Star Chamber, and the orders and acts of the Council, (in all which he had concurred, as his concurrence was all that he had contributed towards any counsel,) were called in question, and like to be made penal to those who would not redeem their past errors by future service; his fear, which was the passion always predominant in him above all his choler and rage, prevailed so far over him, that he gave himself up into the hands of the lord Say to dispose of him as he thought fit, till the King took the white staff from him, and disposed it to the earl of Essex, as hath been related at large before [1].

401. From this time he took himself to be absolved from all obligations and dependence upon the Court, which he had lived too long in to be willing to quit, and therefore the more closely

[1] [See book iii. § 213. The words, 'the King took—before' are substituted in the MS. for the following passage, which is struck out:—'till he committed so many faults and follies that the King was willing to take the advantage of a censure the House of Peers inflicted upon him, for a rash and choleric action he had committed at a private committee that sat in the House, where, in a debate, he had struck, or offered to strike, the lord Matrevers with his white staff, the other throwing an ink-horn at him; for which unusual and indecent behaviour the House thought itself obliged to send them both to the Tower, without any imagination that either of them should undergo any other censure, and discharged both within few days. But in the mean time the King had sent for his white staff, declaring that as he would not suffer it to remain in the Tower, so he would not put it into the hand of a man who had deserved so severe a punishment from the Parliament; which they looked upon as no great compliment to them, and were exceedingly troubled when they saw the office conferred upon the earl of Essex, being very sure that the one was removed, whatever was pretended, for his concurrence with them, and fearing that the other would concur the less with them for that promotion, and probably they might not have been deceived in that if any care and dexterity had been used to keep, as well as to get, him.']

adhered to them by whose power he thought he might get thither again; and for some time entertained the hope of obtaining the other superior white staff, which remained then in the King's hand by the departure of the earl of Arundel into the parts beyond the seas. But when he saw that staff given to the duke of Richmond, who was then made Steward of the Household, he gave over those weak imaginations, and concurred roundly in all the lord Say proposed: and was so weak still, as to believe they never meant to rebel against the King, or that the King could long subsist without putting himself into their hands. When they had any thing to do in the West, as the exercise of the militia or executing any other ordinance, they sent him into the country and shewed him to the people, under the conduct of two or three members of the House in whom they could confide; and he talked of the King's evil counsellors, who carried him from his Parliament, and of the malignants, and against scandalous ministers; whilst none of his old friends came near him. And when they were resolved no longer to trust the Isle of Wight in the hands of the earl of Portland, who had been long the King's governor there, and had an absolute power over the affections of that people, they preferred the poor earl of Pembroke to it by an ordinance of Parliament; who kindly accepted it, as a testimony of their favour, and so got into actual rebellion, which he never intended to do[1].

1643

1641 Dec.

1642 Aug. 8.

402. The earl of Essex hath been enough mentioned before; his nature and his understanding have been described; his former disobligations from the Court, and then his introduction into it, and afterwards his being displaced from the office he held in it, have been set forth; and there will be occasion here-

[1] [The following sentence is here struck out in the MS.:—'It is pity to say more of him, and less could not be said to make him known, if any thing were necessary; and it cannot be avoided to mention him again hereafter, there being particular passages between him and the Chancellor of the Exchequer, who had great kindness for him whilst he had any hope of reclaiming him, and even when that was desperate was never without a desire to serve him, having been formerly beholding to him for many civilities when there was so great a distance between their conditions.']

1643 after to renew the discourse of him; and therefore it shall suffice in this place to say, that a weak judgment, and a little vanity, and as much of pride, will hurry a man into as unwarrantable and as violent attempts as the greatest and most unlimited and insatiable ambition will do. He had no ambition of title, or office, or preferment, but only to be kindly looked upon and kindly spoken to, and quietly to enjoy his own fortune: and, without doubt, no man in his nature more abhorred rebellion than he did, nor could he have been led into it by any open or transparent temptation but by a thousand disguises and cozenages. His pride supplied his want of ambition, and he was angry to see any other man more respected than himself, because he thought he deserved it more, and did better requite it. For he was in his friendships just and constant, and would not have practised foully against those he took to be enemies. No man had credit enough with him to corrupt him in point of loyalty to the King whilst he thought himself wise enough to know what treason was. But the new doctrine and distinction of allegiance, and of the King's power in and out of Parliament, and the new notions of ordinances, were too hard for him, and did really intoxicate his understanding, and made him quit his own to follow theirs who he thought wished as well and judged better than himself. His vanity disposed him to be *His Excellence*, and his weakness to believe that he should be the general in the Houses as well as in the field, and be able to govern their counsels and restrain their passions as well as to fight their battles; and that by this means he should become the preserver, and not the destroyer, of the King and kingdom. And with this ill-grounded confidence he launched out into that sea where he met with nothing but rocks and shelves, and from whence he could never discover any safe port to harbour in.

403. The earl of Salisbury had been born and bred in Court, and had the advantage of a descent from a father and a grandfather who had been very wise men, and great ministers of state in the eyes of Christendom; whose wisdom and virtues died with them, and their children only inherited their titles. He had been admitted of the Council to King James, from

which time he continued so obsequious to the Court that he never failed in over-acting all that he was required to do. No act of power was ever proposed which he did not advance, and execute his part, with the utmost rigour. No man so great a tyrant in his country, or was less swayed by any motives of justice or honour. He was a man of no words, except in hunting and hawking, in which he only knew how to behave himself. In matters of state and counsel he always concurred in what was proposed for the King, and cancelled and repaired all those transgressions by concurring in all that was proposed against him as soon as any such propositions were made. Yet when the King went to York he likewise attended upon his majesty, and at that distance seemed to have recovered some courage, and concurred in all counsels which were taken to undeceive the people, and to make the proceedings of the Parliament odious to all the world. But on a sudden[1] he caused his horses to attend him out of the town, and having placed fresh ones at a distance, he fled back to London, with the expedition such men use when they are most afraid, and never after denied to do any thing that was required of him; and when the war was ended, and Cromwell[2] had put down the House of Peers, he got himself to be chosen a member of the House of Commons, and sat with them as of their own body, and was esteemed accordingly. In a word, he became so despicable to all men that he will hardly ever enjoy the ease which Seneca bequeathed to him[3]; *Hic egregiis majoribus ortus est: qualiscunque est, sub umbra suorum lateat. Ut loca sordida repercussu solis*[4] *illustrantur, ita inertes majorum suorum luce resplendeant.* 1643

404. The earl of Warwick was of the King's Council too, but was not wondered at for leaving the King, whom he had never

[1] [The following commencement of this sentence is struck out in the MS. :—'And meeting Mr. Hyde one day, he walking with him to advise and consult how they might draw the earl of Pembroke, with whom he had most friendship, to leave the Parliament and betake himself to serve the King, and within two hours after this conference, he caused his horses,' &c.]

[2] [Clarendon always writes the name as *Crumwell*.]

[3] [De beneficiis, lib. iv. cap. 30.]

[4] ['repercussa sole,' MS.]

1643 served; nor did he look upon himself as obliged by that honour, which he knew was conferred upon him in the crowd of those whom his majesty had no esteem of, or ever purposed to trust; so his business was to join with those to whom he owed his promotion. He was a man of a pleasant and companionable wit and conversation, of an universal jollity, and such a license in his words and in his actions that a man of less virtue could not be found out: so that a man might reasonably have believed that a man so qualified would not have been able to have contributed much to the overthrow of a nation and kingdom. But with all these faults, he had great authority and credit with that people who in the beginning of the troubles did all the mischieve; and by opening his doors, and making his house the rendezvous [1] of all the silenced ministers in the time when there was authority to silence them, and spending a good part of his estate, of which he was very prodigal, upon them, and by being present with them at their devotions, and making himself merry with them, and at them, which they dispensed with, he became the head of that party, and got the style of *a godly man.* When the King revoked the earl of Northumberland's commission of Admiral, he presently
1642 July 7. accepted the office from the Parliament, and never quitted their service; and when Cromwell disbanded that Parliament, he betook himself to the protection of the Protector, married his heir to his daughter, and lived in so entire a confidence and
1659 May 29. friendship with him that when he died he had the honour to be exceedingly lamented by him; and left his estate, which before was subject to a vast debt, more improved and repaired than any man who trafficked in that desperate commodity of rebellion.

405. The earl of Holland had grown up under the shadow of the Court, and had been too long a councillor before, and contributed too much to the counsels which had most prejudiced the Crown, to decline waiting upon it when it needed attendance. But he chose to stay with the Parliament; and there hath been enough said of him before, and more must be said hereafter. And therefore it shall suffice now to say, that there was a very froward fate attended all or most of the posterity of

[1] ['randevooze,' MS.]

that bed from whence he and his brother of Warwick had their original[1]; though he, and some others amongst them, had many very good parts and excellent endowments. 1643

406. The earl of Manchester, of the whole cabal, was in a thousand respects most unfit for the company he kept. He was of a gentle and a generous nature, civilly bred, had reverence and affection for the person of the King, upon whom he had attended in Spain, loved his country with too unskilful a tenderness, and was of so excellent a temper and disposition that the barbarous times, and the rough parts he was forced to act in them, did not wipe out or much deface those marks: insomuch as he was never guilty of any rudeness towards those he was obliged to oppress, but performed always as good offices towards his old friends, and all other persons, as the iniquity of the time, and the nature of the employment he was in, would permit him to do; which kind of humanity could be imputed to very few. And he was at last dismissed, and removed from any trust, for no other reason but because he was not wicked enough[2].

407. He married first into the family of the duke of Buckingham[3], and by his favour and interest was called to the House of Peers in the life of his father, and made baron of Kym[b]olton, though he was commonly treated and known by the name of the lord Mandevill; and was as much addicted to the service of the Court as he ought to be. But the death of his lady, and the murder of that great favourite, his second marriage with the daughter of the earl of Warwick, and the very narrow and restrained maintenance which he received from his father and which would in no degree defray the expenses of the Court, forced him too soon to retire to a country life, and totally to abandon both the Court and London, whither he came very seldom in many years. And in this retirement, the discountenance which his father underwent at Court, the conversation of that family into which he was now married, the bewitching popularity which flowed upon him with a wonder- 1626 May 22.

[1] [Book i, § 137.]

[2] [He resigned his command in the army Apr. 2, 1645, the day before the passing of the Self-denying Ordinance.

[3] [Book iii, § 27.]

1643 ful torrent, with the want of those guards which a good education should have supplied him with by the clear notion of the foundation of the ecclesiastical as well as the civil government, made a great impression upon his understanding, (for his nature was never corrupted, but remained still in its integrity,) and made him believe that the Court was inclined to hurt and even to destroy the country, and from particular instances to make general and dangerous conclusions. They who had been always enemies to the Church prevailed with him to lessen his reverence for it, and, having not been well instructed to defend it, [he] yielded too easily to those who confidently assaulted it, and thought it had great errors which were necessary to be reformed, and that all means are lawful to compass that which is necessary; whereas the true logic is, that the thing desired is not necessary if the ways are unlawful which are proposed to bring it to pass. No man was courted with more application by persons of all conditions and qualities, and his person was not less acceptable to those of steady and uncorrupted principles than to those of depraved inclinations. And in the end, even his piety administered some excuse to him; for his father's infirmities and transgressions had so far exposed him to the inquisition of justice, that he found it necessary to procure the assistance and protection of those who were strong enough to violate justice itself; and so he adhered to those who were best able to defend his father's honour, and thereby to secure his own fortune, and concurred with them in their most violent designs, and gave reputation to them.

408. And the Court as unskilfully took an occasion too soon to make him desperate by accusing him of high treason, when (though he might be guilty enough) he was without doubt, in his intentions, at least as innocent as any of the leading men; and it is some evidence that God Almighty saw his heart was not so malicious as the rest that he preserved him to the end of the confusion, when he appeared as glad of the King's restoration, and had heartily wished it long before, and very few who had a hand in the contrivance of the rebellion gave so manifest tokens of repentance as he did. And having

for many years undergone the jealousy and hatred of Cromwell, 1643
as one who abominated the murder of the King and all the barbarous proceedings against the life of men in cold blood, the King upon his return received him into grace and favour, which he never forfeited by any undutiful behaviour.

409. The last of those councillors which were made after the faction prevailed in Parliament, who were all made to advance an accommodation, and who adhered to the Parliament, was the lord Say; a man who had the deepest hand in the original contrivance of all the calamities which befell [this[1]] unhappy kingdom, though he had not the least thought of dissolving the monarchy, and less of levelling the ranks and distinctions of men; for no man valued himself more upon his title, or had more ambition to make it greater, and to raise his fortune, which was but moderate for his title. He was of a proud, morose, and sullen nature; conversed much with books, having been bred a scholar, and (though nobly born) a fellow of New College in Oxford, to which he claimed a right by the alliance he pretended to have from William of Wick[h]am, the founder, which he made good by such an unreasonable pedigree, through so many hundred years, half the time whereof extinguishes all relation of kindred. However, upon that pretence that college hath been seldom without one of that lord's family. His parts were not quick[2], but so much above those of his own rank that he had always great credit and authority in Parliament, and the more for taking all opportunities to oppose the Court; and [he] had with his milk sucked in an implacable malice against the government of the Church. When the duke of Buckingham proposed to himself after his return with the Prince from Spain to make himself popular by breaking that match, and to be gracious with the Parliament, as for a short time he was, he resolved to embrace the friendship of the lord Say, who was as solicitous to climb

[1] ['that,' MS. Clarendon wrote these characters in France.]

[2] [Warburton makes the following note here: 'His *reading* a long speech of several hours in the House of Lords occasioned a standing order that no lord should read a written speech.' Edit. 1849, VI. 533.]

1643 by that ladder. But the duke quickly found him of too imperious and pedantical a spirit, and to affect too dangerous mutations, and so cast him off; and from that time he gave over any pursuit in Court, and lived narrowly and sordidly in the country, having conversation with very few but such who had great malignity against the Church and State, and fomented their inclinations, and gave them instructions how to behave themselves with caution and to do their business with most security, and was in truth the pilot that steered all those vessels which were freighted with sedition to destroy the government.

410. He found always some way to make professions of duty to the King, and made several undertakings to do great services, which he could not, or would not, make good; and made haste to possess himself of any preferment he could compass, whilst his friends were content to attend a more proper con-
1641 Jan. juncture. So he got the Mastership of the Wards shortly after the beginning of the Parliament, and was as solicitous to be Treasurer after the death of the earl of Bedford; and, if he could have satisfied his rancour in any degree against the Church, he would have been ready to have carried the prerogative as high as ever it was. When he thought there was mischieve enough done, he would have stopped the current, and have diverted farther fury; but he then found he had only authority and credit to do hurt, none to heal the wounds he had given, and fell into as much contempt with those whom he had led as he was with those whom he had undone.

411. The last of the councillors who stayed with the Parliament was sir Henry Vane; who had so much excuse for it, that, being thrown out of the Court, he had no whither else to go; and promised himself to be much made of by them, for whose sakes only he had brought that infamy upon himself. He was of very ordinary parts by nature, and he had not cultivated them at all by art; for he was illiterate. But being of a stirring and boisterous disposition, very industrious and very bold, he still wrought [himself] into some employment. He had been acquainted with the vicissitudes of Court, and

had undergone some severe mortification, by the disfavour of 1643
the duke of Buckingham, in the beginning of the King's reign.
But [the duke] was no sooner dead, (which made it believed
that he had made his peace in his lifetime [1], for the King was not
in a long time after reconciled to any man who was eminently
in the duke's disfavour,) but he was again brought into the
Court, and made a Councillor and Controller of the Household; 1630
which place he became well, and was fit for, and if he had
never taken other preferment he might probably [have] con-
tinued a good subject, for he had no inclination to change, and,
in the judgment he had, liked the government both of Church
and State, and only desired to raise his fortune, which was not
great, and which he found many ways to improve. And he was
wont to say that he never had desired other preferment, and
believed that marquis Hambleton, (with whom he had never
kept fair quarter,) when he first proposed to him to be Secre-
tary of State, did it to affront him, well knowing his want of
ability for the discharge of that office. But, without doubt, as
the fatal preferring him to that place was of unspeakable pre- 1640
judice to the King, so his receiving it was to his own destruc- Feb. 3.
tion. His malice to the earl of Strafford (who had unwisely
provoked him, wantonly and out of contempt [2]) transported him
to all imaginable thoughts of revenge, which is a guest that
naturally disquiets and tortures those who entertain it with all
the perplexities they contrive for others; and that disposed
him to sacrifice his honour and faith and his master's interest
that he might ruin the earl, and was buried himself in the
same ruin; for which being justly chastised by the King, and 1641
turned out of his service, he was left to his own despair; and Dec. 3.
though he concurred in all the malicious designs against the
King and against the Church, he grew into the hatred and
contempt of those who had made most use of him, and died a 1654
universal reproach, and not contemned more by any of his
enemies than by his own son, who had been his principal
conductor to destruction [3].

[1] [See *Calend. S. P., Dom.* 1625-6, p. 10.] [2] [Book iii, § 34.]
[3] [The *Life* is continued here in the MS. with the two following para-

1643 412. And we now pass to the transactions in the treaty itself, which was in the beginning of the year 1643.

graphs which are found in the printed editions of the *Life* at the end of part II. The paragraphs are struck out in the MS., and for them the two concluding lines in the text above are substituted.

'Notwithstanding all the discourse of, and inclination to, a treaty, the armies were not quiet on either side. The King's quarters were enlarged by the taking of Marlborough in Wiltshire and of Ciceter in Glostershire, which, though untenable by their situation and weak fortifications, were garrisoned by the Parliament with great numbers of men, who were all killed or taken prisoners. And the Parliament-forces were not without success too, and after the loss of Marlborough surprised the regiment of horse that was commanded by the lord Grandison, a gallant gentleman, who, if not betrayed, was unhappily invited to Winchester, with promise of forces ready to defend the place, which being in no degree performed, he was the next day after he came enclosed in the castle of Winchester, and compelled to become all, officers and soldiers, prisoners of war, though he and some other of the principal officers, by the negligence or corruption of their guards, made their escape in the night and returned to Oxford.

'This was the state of the kingdom, of the King and of the Parliament, at the time when Mr. Hyde was made of the Privy Council and Chancellor of the Exchequer, which was between the return of the commissioners who had been sent to the King to propose a treaty, and the coming of those commissioners to Oxford, who were afterwards sent from the Parliament to treat with the King, which being about the end of the year 1642, this part shall be closed here.'

This portion of the *Life* is dated at 'Pezenas, the 24th of July, 1669.']

THE END OF THE SIXTH BOOK.

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